

NEVADA LEGISLATURE

81st Session, 2021

SENATE DAILY JOURNAL

THE FOURTH DAY

CARSON CITY (Thursday), February 4, 2021

Senate called to order at 11:30 a.m.

President Marshall presiding.

Roll called.

All present except Senator Spearman who was excused and one vacant.

Prayer by Chaplain, Pastor Garry Liest.

Heavenly Father, we come to confess and turn from our sins. Lord, we pray You will hear us from heaven and restore us to walk the path that is good and brings peace to our State and Nation. Too long we have sought to govern in our own wisdom. We have failed to acknowledge and honor You, the Sovereign God, who rules the nations and only means by which unity and peace will come.

Lord, You bless a people who are willing to humble themselves, follow Your will and Your Holy Scripture. We can have no expectation of Your blessing away from Your Word, away from Your guidance, away from Your protection.

Today, Lord, we are a nation divided, not by political ideology, not by those on the left or the right. Lord, we are divided because we have, too long, turned our backs on You, forsaking the Wisdom of Heaven. Our hearts should be broken over the division we have created in this State and Nation because of our disobedience to You.

Today, we stand in this place and cry out for forgiveness. We ask You to guide us in the paths of Your righteousness. Lord, we pray You will restore our hearts to You and bring our land to the place of greatness You intended.

Lord, I lift up all of the elected officials in this Body and ask You to provide them with wisdom to seek Your truth and turn from their sin. May they recognize the necessity of reliance upon You. May they adhere to Your Word and seek and follow Your counsel as they represent the people of Nevada.

Lord, we pray that the people's representatives, through You and by adherence to Your Word, will lead this State into unity and strength. I ask for strength and blessing upon this Body as they seek to govern not by human wisdom, but by wisdom that only comes from Almighty God.

I ask these things in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

MOTIONS, RESOLUTIONS AND NOTICES

Madam President appointed Senators Denis, Scheible and Kieckhefer as a temporary Committee on Credentials.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair while the credentials of the newly-appointed Senator are examined by the temporary Committee on Credentials.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:35 a.m.

SENATE IN SESSION

At 11:37 a.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Temporary Committee on Credentials has had the credentials of the respective Senator-appointed under consideration and begs leave to report that the following person has been and is duly appointed, qualified member of the Senate for the Eighty-first Session of the Legislature of the State of Nevada: Senator Fabian Donate.

MOISES DENIS
MELANIE SCHEIBLE
BEN KIECKHEFER

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that the report of the temporary Committee on Credentials be adopted.

Motion carried unanimously.

Madam President appointed Senator Dondero Loop to escort Chief Justice James W. Hardesty of the Supreme Court of Nevada to the rostrum to administer the oath of office to the newly-appointed Senator.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:38 a.m.

SENATE IN SESSION

At 11:39 a.m.

President Marshall presiding.

Quorum present.

Chief Justice Hardesty administered the oath of office to the newly-appointed Senator.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:41 a.m.

SENATE IN SESSION

At 11:43 a.m.

President Marshall presiding.

Quorum present.

Senator Ohrenschall moved that the Chief Justice be extended a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

Madam President instructed the Secretary to call the roll of the Senators.

Roll called.

All Senators present.

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Pickard, Hardy, Buck, SeEVERS Gansert, Settelmeyer, Hammond, Kieckhefer; Assemblymen Roberts and Tolles:

Senate Joint Resolution No. 2—Proposing to amend the Nevada Constitution to revise the provisions governing appointments of judicial officers to fill vacancies.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court or the court of appeals or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court or the court of appeals must be made by the permanent Commission, composed of:

- (a) The Chief Justice or an associate justice designated by him;
- (b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and
- (c) ~~Three persons;~~ *One person, not ~~members~~ a member of the legal profession, appointed by the Governor.*

4. ~~Each~~ *Except as otherwise provided in subsection 5, each nomination for the district court must be made by a temporary commission composed of:*

- (a) The permanent Commission;
- (b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and
- (c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. *A temporary commission must be composed of at least three but not more than five members of the State Bar of Nevada who reside in the judicial district in which the vacancy occurs and who practice law in that judicial district in the area of law of the division of the district court in which the vacancy occurs. If additional members must be appointed to a temporary commission to comply with this subsection, the Board of*

Governors of the State Bar of Nevada must appoint to the temporary commission the members that are necessary to comply with this subsection.

~~{5}~~ 6. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

~~{6}~~ 7. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a vacancy occurs, and their terms expire when the nominations for such vacancy have been transmitted to the Governor.

~~{7}~~ 8. An appointing authority shall not appoint to the permanent Commission more than:

- (a) One resident of any county.
- (b) Two members of the same political party.

➤ No member of the permanent Commission may be a member of the Commission on Judicial Discipline.

~~{8}~~ 9. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

10. *An application for appointment to fill a vacancy in the Supreme Court or court of appeals or among the district judges submitted to the permanent Commission or a temporary commission, and all information contained therein, is confidential and does not constitute a public record.*

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Pickard moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Seevers Gansert, Goicoechea, Buck, Hardy and Pickard:

Senate Bill No. 99—AN ACT relating to governmental administration; requiring each bill or joint resolution introduced in the Legislature to include a statement concerning whether the bill or resolution creates, generates or increases public revenue of the State or a local government; requiring the Fiscal Analysis Division of the Legislative Counsel Bureau to obtain or prepare a fiscal note for a bill or joint resolution that creates, generates or increases public revenue of the State or a local government; and providing other matters properly relating thereto.

Senator Seevers Gansert moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Seevers Gansert:

Senate Bill No. 100—AN ACT relating to physical therapy; enacting and entering into the Physical Therapy Licensure Compact; and providing other matters properly relating thereto.

Senator Seevers Gansert moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senators Settlemeyer, Hardy, Hammond and Assemblyman Wheeler:

Senate Bill No. 101—AN ACT relating to elections; authorizing a registered voter to notify the county clerk that the registered voter wants to be required to present photo identification to vote in person at a polling place; requiring, with certain exceptions, such a registered voter to present photo identification in order to vote in person at a polling place; and providing other matters properly relating thereto.

Senator Settlemeyer moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 1.

Senator Cannizzaro moved that the Senate adjourn until Monday, February 8, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:47 a.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate