

NEVADA LEGISLATURE

81st Session, 2021

SENATE DAILY JOURNAL

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 13, 2021

Senate called to order at 12:24 p.m.

President pro Tempore Denis presiding.

Roll called.

All present except Senator Kieckhefer, who was excused.

Prayer by Rajan Zed.

Om

bhur bhuvah svah

tat Savitur varenjam

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.

Asato ma sad gamaya

Tamaso ma jyotir gamaya

Mrityor mamrtam gamaya.

Lead us from the unreal to the Real.

Lead us from darkness to Light.

Lead us from death to immortality.

tasmadasaktah satatam karyam karma samacara

asakto hyacarankarma paramapnoti purusah

karmanaiva hi samsiddhimasthita janakadayah

lokasangrahavevapi sampasyankartumarhasi.

Strive constantly to serve the welfare of the world; by devotion to selfless, one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu

Saha nau bhunaktu

Saha viiryan karavaavahai

Tejasvi naavadhiitamastu

Maa vidhivishhaavahai.

May we be protected together.

May we be nourished together.

May we work together with great vigor.

May our study be enlightening.

May no obstacle arise between us.

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

OM.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Mr. President pro Tempore:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 47, 73, 173, 308, 442; Assembly Joint Resolution No. 10 of the 80th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President pro Tempore:

Your Committee on Education, to which were referred Assembly Bills Nos. 38, 68, 338, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 19, 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Mr. President pro Tempore:

Your Committee on Finance, to which was referred Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

Mr. President pro Tempore:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 2, 13, 14, 21, 22, 28, 48, 63, 70, 76, 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Mr. President pro Tempore:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 123, 154, 188, 281, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DALLAS HARRIS, *Chair*

Mr. President pro Tempore:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 96, 119, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 23, 24, 25, 58, 59, 157, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

Mr. President pro Tempore:

Your Committee on Natural Resources, to which were referred Assembly Bill No. 171; Assembly Joint Resolutions Nos. 2, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Assembly Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DONATE, *Chair*

Mr. President pro Tempore:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 20, 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Vice Chair*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 10, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 17, 23, 52, 53, 65, 342; Senate Joint Resolutions Nos. 10, 12.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 12, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 348, 450.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

COMMUNICATIONS
UNITED STATES SENATE
WASHINGTON, D.C. 20515

May 12, 2021

THE HONORABLE NICHOL J. CANNIZZARO, *Majority Leader, State of Nevada Senate,*

Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

THE HONORABLE JASON FRIERSON, *Speaker, State of Nevada Assembly,*

Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER FRIERSON:

I am writing to request the opportunity to speak before the distinguished members of the Nevada State Legislature on Tuesday, May 18, 2021 at 5:00 p.m. I look forward to speaking about the pressing issues before the United States Congress in the upcoming months and how they will affect the great state of Nevada.

I thank you in advance for your kind consideration.

Sincerely,

CATHERINE CORTEZ MASTO
United States Senator

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

May 12, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 108.

SARAH COFFMAN
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Concurrent Resolution No. 9 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 31, 34, 54, 74, 75, 118, 413, 420, 426 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Brooks moved that Senate Bill No. 439, just reported out of Committee, be placed on the Second Reading File for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 446—AN ACT relating to education; removing the Office of the Western Regional Education Compact from the Office of the Governor; revising provisions relating to the administration of the Office; and providing other matters properly relating thereto.

Senator Brooks moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 447—AN ACT relating to deceptive trade practices; eliminating the Consumer Affairs Division of the Department of Business and Industry and making the temporary Consumer Affairs Unit created in the Department permanent; and providing other matters properly relating thereto.

Senator Brooks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Brooks, Donate, Cannizzaro, Lange, Denis, Scheible, Spearman; Assemblymen Monroe-Moreno, Frierson, Flores, González, Nguyen, Orentlicher and Torres:

Senate Bill No. 448—AN ACT relating to utilities; revising provisions governing partial tax abatements for certain renewable energy facilities; repealing provisions governing the Electric Vehicle Infrastructure Demonstration Program; requiring an electric utility to submit a plan to

accelerate transportation electrification in this State; requiring an electric utility to file a plan for certain high-voltage transmission infrastructure projects; requiring the Public Utilities Commission of Nevada to require a transmission provider to join a regional transmission organization; creating and setting forth the powers, duties and membership of the Regional Transmission Coordination Task Force; providing that there is no presumption that the expenditures of a utility were prudently incurred for certain purposes; revising the definition of public utility; revising provisions governing the disposal of generation assets; revising provisions governing the Economic Development Electric Rate Rider Program; revising requirements for the energy efficiency plan of an electric utility; abolishing the New Energy Industry Task Force; and providing other matters properly relating thereto.

Senator Brooks moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 348.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 450.

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

Motion carried.

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Brooks.

For: Senate Bill No. 448

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, May 13, 2021.

NICOLE J. CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time and ordered to third reading.

Assembly Bill No. 6.

Bill read second time and ordered to third reading.

Assembly Bill No. 18.
Bill read second time and ordered to third reading.

Assembly Bill No. 27.
Bill read second time and ordered to third reading.

Assembly Bill No. 30.
Bill read second time and ordered to third reading.

Assembly Bill No. 33.
Bill read second time and ordered to third reading.

Assembly Bill No. 43.
Bill read second time and ordered to third reading.

Assembly Bill No. 60.
Bill read second time and ordered to third reading.

Assembly Bill No. 64.
Bill read second time and ordered to third reading.

Assembly Bill No. 72.
Bill read second time and ordered to third reading.

Assembly Bill No. 437.
Bill read second time and ordered to third reading.

Senate Bill No. 439.
Bill read second time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 524.

SUMMARY—Revises provisions relating to education. (BDR 34-1099)

By the Committee on Finance:

AN ACT relating to education; revising provisions relating to the Education Gift Fund; revising the sources of revenue for the State Education Fund; revising the method for determining the amount of and distributing money to support the operation of the public schools in this State; revising the method for providing additional money to support pupils with disabilities; transferring responsibility for apportioning money relating to the National School Lunch Program from the Superintendent of Public Instruction to the Director of the State Department of Agriculture; eliminating requirements for the Department of Education to prepare and submit certain reports; eliminating certain accounts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law declares that "the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity" and, beginning with the 2021-2023 biennium, replaces the Nevada Plan with the Pupil-Centered Funding Plan as the formula for distribution of state financial aid to the public schools in this State to

accomplish that objective. (NRS 387.121) Existing law creates the State Education Fund for the purpose of supporting the operation of the public schools in this State and identifies the sources of revenue for the Fund. (NRS 387.1212) Sections 2 and 31-34 of this bill include the proceeds of certain additional sources of revenue in the State Education Fund. Section 2 additionally: (1) excludes the interest and income earned on the direct legislative appropriation to the State Education Fund from being credited to the Fund; and (2) eliminates the authorization for the Superintendent of Public Instruction to create one or more accounts in the Fund as necessary to segregate money required to be administered separately by federal law. ~~(Sections 3 and 4)~~ Section 14 of this bill ~~(make)~~ makes conforming changes relating to the elimination of the authority of the Superintendent of Public Instruction to create such accounts.

Existing law establishes the Education Stabilization Account and authorizes the Interim Finance Committee to direct the State Controller to transfer money from the Education Stabilization Account to the State Education Fund if the Committee finds that the collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund. (NRS 387.1213) Section 3 of this bill: (1) additionally allows the Department of Education to submit a request to the Interim Finance Committee to approve a transfer from the Education Stabilization Account to the State Education Fund if the actual enrollment growth exceeds the projected enrollment growth by an amount that makes such a transfer necessary; and (2) requires the transfer, up to the maximum amount established by existing law, of any remaining balance in the State Education Fund to the Education Stabilization Account at the end of each biennium, rather than at the end of each fiscal year.

Existing law requires the Legislature to appropriate money from the State Education Fund, less the money in the Education Stabilization Account, to fund, in an amount determined sufficient by the Legislature: (1) the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education; (2) the food service, transportation and similar services of the school districts; (3) the operation of each school district for all pupils generally through adjusted base per pupil funding for each pupil enrolled in the school district; (4) the operation of each charter school and university school for profoundly gifted pupils for all pupils generally through a statewide base per pupil funding amount for each pupil enrolled in such a school, with an adjustment for certain schools; and (5) the additional educational needs of English learners, at-risk pupils, pupils with disabilities and gifted and talented pupils through additional weighted funding for each such pupil. (NRS 387.1214) Section 4 eliminates the requirement to fund the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education from the State Education Fund. Section 4 also eliminates the requirement to provide funding for the additional educational needs of pupils with disabilities through additional weighted

funding for each such pupil from the State Education Fund. Sections 4, 6, 8, 13, 22, 23 and 36 of this bill instead require the establishment of a statewide multiplier for the support of pupils with disabilities in a manner generally consistent with the Nevada Plan and funded using the Account for Special Education Services in the State General Fund. Sections 7, 10 and 11 of this bill make conforming changes to reflect the elimination of the requirement to fund the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education from the State Education Fund.

Existing law establishes certain factors which are applied to the statewide base per pupil funding amount to create the adjusted base per pupil funding for each school district and certain charter schools and university schools for profoundly gifted pupils. (NRS 387.1215-387.1218) Section 39 of this bill repeals the adjustment for each necessarily small school in a school district. Section 5 of this bill revises the adjustment for small school districts to instead be an adjustment for the increased cost per pupil to a school district to operate public schools in which relatively fewer pupils are enrolled. Sections 13 and 15 of this bill make conforming changes to reflect the changes to the adjustment factors.

Existing law requires any amount by which the actual ending fund balance of a county school district fund exceeds 16.6 percent of the total actual expenditures for the fund to be transferred to the Education Stabilization Account. (NRS 387.1213) If a county school district fund exceeded 16.6 percent of the total budgeted expenditures for the fund for the fiscal year which ended on June 30, 2020, existing law allows a school district to maintain not more than such an excess in succeeding fiscal years until the school district has an ending fund balance of 16.6 percent or less. (Section 77 of Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4252) Section 35 of this bill revises this authority to apply to an excess of the total actual expenditures for a county school district fund rather than the total budgeted expenditures.

Existing law authorizes the State Board of Education to accept gifts of money and requires such gifts to be deposited in the Education Gift Fund. (NRS 385.083) Section 1 of this bill requires the interest and income earned on the money in the Education Gift Fund to be credited to the Fund and requires the balance in the Fund at the end of a fiscal year to be carried forward to the next fiscal year.

Existing law requires the Superintendent of Public Instruction to apportion certain money designated for the National School Lunch Program to those school districts that participate in the Program. (NRS 387.124) Section 9 of this bill transfers that duty to the Director of the State Department of Agriculture. Sections 10, 12, 17, 24 and 26 of this bill make conforming changes relating to this transfer.

Existing law establishes certain reporting requirements for the Department of Education and for each school district and public school relating to educational expenditures. (NRS 387.12468) Section 16 of this bill:

(1) eliminates such requirements for the Department of Education; and
(2) requires such a report by a public school to be posted on an appropriate Internet website.

Existing law requires the Department of Education, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, to establish a recommended minimum expenditure on textbooks, instructional supplies, instructional software and instructional hardware for public schools. (NRS 387.206) Section 18 of this bill revises provisions relating to the timing of such recommendations. Section 19 of this bill requires a certain report published by the Department relating to such expenditures to be published on the Internet website maintained by the Department.

Existing law establishes certain requirements relating to the submission of budgets and expenditures by school districts. (NRS 387.303) Section 20 of this bill transfers responsibility to prescribe the format for a compilation of reports of such information from the Director of the Department of Administration to the Director of the Office of Finance. Section 20 additionally eliminates the authority of the Superintendent of Public Instruction to make certain adjustments when preparing the biennial budget request for the State Education Fund.

Existing law establishes certain accounts relating to education, including the Educational Trust Account, the Bullying Prevention Account, the Account for Instruction in Financial Literacy, the Account for Computer Education and Technology, the Grant Fund for Incentives for Licensed Educational Personnel and the Great Teaching and Leading Fund. (NRS 120A.610, 388.1325, 388.895, 391.369, 391A.400, 391A.500) Sections 31 and 39 of this bill eliminate these accounts. Sections 21, 25 and 27-30 of this bill make conforming changes relating to the elimination of such accounts. Section 38 of this bill provides for the reversion or transfer of money in such accounts that has not been committed for expenditure before July 1, 2021.

Section 3 of Senate Bill No. 439 is hereby amended as follows:

Sec. 3. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the actual ending fund balance of the county school district fund exceeds 16.6 percent of the total actual expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account , ~~for any account created pursuant to subsection 5 of NRS 387.1212,~~ for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that ~~the~~ :

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; or

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund,

→ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account , ~~for any account created pursuant to subsection 5 of NRS 387.1212,~~ that has not been committed for expenditure on or before June 30 of ~~each~~ an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Amendment No. 524 to Senate Bill No. 439 revises section 3 of the bill to require the transfer of any remaining balance in the State Education Fund to the Education Stabilization Account at the end of each biennium, rather than at the end of each fiscal year.

Amendment No. 524 to Senate Bill No. 439 further revises section 3 of the bill to authorize the Department of Education to submit a request to the Interim Finance Committee for a transfer from the Education Stabilization Account to the State Education Fund if the Committee determines actual enrollment growth for a fiscal year exceeds the projected enrollment growth and a transfer is necessary to fund the excess enrollment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEE

Mr. President pro Tempore:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bill No. 71; Assembly Bills Nos. 35, 138.

Senator Cannizzaro moved that the Senate adjourn until Friday, May 14, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:43 p.m.

Approved:

MOISES DENIS

President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate