

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE FORTIETH DAY

CARSON CITY (Friday), March 17, 2023

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Bilbray-Axelrod, who was excused.

Prayer by the Chaplain Craig Swope.

Let us pray.

Father on this day, we remember Your servant Patrick, who brought faith and hope to an entire country. May his example of humility, resolve, and service continue to shine for us today.

His forgiveness to his captors, his desire to elevate the lives of all men and women, young and old, and his legacy to do right in the most extreme of circumstances has endured for centuries. The legacy of others inspires us – the teacher who believed in us, the parent who sacrificed for us, the good friend who encouraged and comforted us.

May our actions today be a tribute to those who lifted us as we create our own legacy of working for the good of all. We ask this in the Name of Your Son.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui 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.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen C.H. Miller and Monroe-Moreno:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada Constitution to revise provisions relating to lotteries and the sale of lottery tickets.

WHEREAS, From our Nation's early colonial period until the mid-1800s, the proceeds from lotteries were used in America to fund and build infrastructure, to establish and endow universities like Harvard and Yale and to help finance the American battle for independence during the Revolutionary War; and

WHEREAS, In some states during this period, state legislatures would enact legislation which granted special charters to organizations, institutions, corporations or other entities authorizing them to operate lotteries and sell lottery tickets to the public for a period of years, but the state

governments overseeing such chartered lotteries generally were not involved in the actual operation or regulation of the lotteries; and

WHEREAS, Because there was inadequate government oversight and regulation of such chartered lotteries, some of them were plagued by fraud, corruption, mismanagement and abuse which resulted in several well-known and scandalous cases of wrongdoing by chartered lotteries, including an infamous case in New York that “involved not only individuals of the state in ruin, but was the occasion of serious embarrassment to the state government itself.” (*State ex rel. Murphy v. Overton*, 16 Nev. 136, 147 (1881) (quoting *Report of the Debates in the Convention of California on the Formation of the State Constitution of 1849*, at 92 (J. Ross Browne off. rep. 1850) (statement of Delegate H. W. Halleck)); and

WHEREAS, As a result of the well-known and scandalous cases of wrongdoing by chartered lotteries, there was a nationwide backlash against such lotteries and, by 1860, a majority of states had adopted constitutional provisions prohibiting the authorization of lotteries and the sale of lottery tickets, including provisions in the California Constitution of 1849, which stated that “[n]o lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.” (Cal. Const. Art. IV, § 27 (1849)); and

WHEREAS, Because the California Constitution of 1849 served as the model for the Nevada Constitution, the delegates to the Nevada State Constitutional Convention of 1864 adopted California’s constitutional provisions regarding lotteries, without additional discussion or debate, so that the Nevada Constitution, as ratified in 1864, stated that “[n]o lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.” (Nev. Const. Art. 4, § 24 (1864); *State ex rel. Murphy v. Overton*, 16 Nev. 136, 146-47 (1881)); and

WHEREAS, Courts have recognized that constitutional provisions regarding lotteries are intended to protect the public from the harm caused by past chartered lotteries which were prevalent in our Nation’s early history and which were plagued by fraud, corruption, mismanagement and abuse because they were largely unregulated by state governments (*Stone v. Mississippi*, 101 U.S. 814, 818 (1879); *State ex rel. Murphy v. Overton*, 16 Nev. 136, 146-52 (1881); *Ex parte Pierotti*, 43 Nev. 243, 247-52 (1919); *Poppen v. Walker*, 520 N.W.2d 238, 243 (S.D. 1994) (“These lotteries were the principal evil which led to their prohibition in state constitutions.”), *superseded on other grounds by constitutional amendments to S.D. Const. Art. III, § 25 (1994)*); and

WHEREAS, At the general election in 1990, Nevada’s voters approved constitutional amendments allowing the Legislature to provide by law for the operation and regulation of charitable lotteries, with certain restrictions, conducted by charitable or nonprofit organizations in the form of raffles or drawings on their own behalf, and the Legislature has enacted laws providing for comprehensive regulation of charitable lotteries to ensure that those lotteries are operated honestly and free from criminal and corruptive elements and that the proceeds of those lotteries are expended to benefit the activities of charitable or nonprofit organizations in this State (Nev. Const. Art. 4, § 24; chapter 462 of NRS); and

WHEREAS, The comprehensive regulation of modern lotteries ensures that the public is protected from the harm caused by past chartered lotteries which were prevalent in our Nation’s early history and which were plagued by fraud, corruption, mismanagement and abuse because they were largely unregulated by state governments; and

WHEREAS, Amending the Nevada Constitution to prohibit the Legislature from enacting laws which grant a special charter or similar organizational or governing document to any person or other entity to operate lotteries or sell lottery tickets will continue to protect the public from the harm caused by past chartered lotteries; and

WHEREAS, Amending the Nevada Constitution to allow the Legislature to provide by law for the operation and regulation of modern lotteries, in addition to charitable lotteries, will ensure that such modern lotteries are operated honestly and free from criminal and corruptive elements and that the proceeds of those lotteries are expended to benefit the general welfare of the residents of this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec: 24. 1. Except as otherwise provided in ~~subsection 2,~~ **this section**, no lottery may be authorized by this State, nor may lottery tickets be sold.

2. The ~~{State and the}~~ *Legislature may provide by law for the operation and regulation of lotteries, including, without limitation, authorizing lottery tickets to be sold, except that:*

(a) The Legislature shall not pass any laws which grant a special charter or similar organizational or governing document to any person or other entity to operate a lottery or sell lottery tickets or which otherwise authorize the exercise of such powers under a special charter or similar organizational or governing document.

(b) The political subdivisions ~~{thereof}~~ of this State shall not operate a lottery ~~{}~~ or sell lottery tickets.

(c) The operation of lotteries by persons engaged in charitable activities or activities not for profit must comply with the provisions of subsection 3.

3. The Legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this State. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The Legislature may provide by law for the regulation of such lotteries.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved that Assembly Joint Resolution No. 5 be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 5—Expressing support for the Lake Tahoe Transportation Action Plan.

Assemblywoman Jauregui moved that Assembly Concurrent Resolution No. 5 be referred to the Committee on Natural Resources.

Motion carried.

NOTICE OF EXEMPTION

March 15, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 139, 197, 229, 277, 298, 306, 310.

SARAH COFFMAN
Fiscal Analysis Division

March 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 71, 278.

WAYNE THORLEY
Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by: Speaker Yeager.

For: BDR No. 58-985

Revises provisions governing energy.

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: March 16, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Gallant, D’Silva, Dickman, Gray and McArthur:

Assembly Bill No. 324—AN ACT relating to common-interest communities; requiring the Real Estate Division of the Department of Business and Industry to adopt regulations establishing a mechanism by which a unit’s owner in a common-interest community may deposit into an escrow account certain assessments during the mediation of certain claims; providing that any assessment deposited in such an account does not become past due for a certain period of time; authorizing a mediator to take certain actions if a party fails to mediate certain claims in good faith; requiring the Commission for Common-Interest Communities and Condominium Hotels to conduct an election to replace the members of the executive board of a unit-owners’ association under certain circumstances; requiring parties to certain claims submitted to mediation to mediate in good faith; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman O’Neill:

Assembly Bill No. 325—AN ACT relating to water; providing that certain temporary changes to the place of diversion, manner of use or place of use of water are not required to be approved by the State Engineer under certain circumstances; authorizing the State Engineer to accept certain nonconforming maps under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymen Yurek, Kasama, Dickman, DeLong, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur and O’Neill:

Assembly Bill No. 326—AN ACT relating to elections; creating the Election Crimes Unit within the Elections Division of the Office of the Secretary of State; requiring the Unit to establish a complaint system and a hotline to report election irregularities; requiring the Unit to receive and review complaints, notices and reports concerning alleged election irregularities; authorizing the Unit to conduct investigations or make referrals relating to alleged election irregularities; requiring the Unit to submit a report to the

Governor and the Legislature every odd-numbered year concerning alleged election irregularities; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Considine:

Assembly Bill No. 327—AN ACT relating to real property; providing for the permitting and regulation of landlord property managers by the Real Estate Division of the Department of Business and Industry; setting forth requirements for a landlord property manager to obtain a permit to engage in property management; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Watts, Torres and Peters; Senators Nguyen, Doñate and Flores:

Assembly Bill No. 328—AN ACT making an appropriation to the Immigration Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas for the purpose of providing pro bono legal services related to immigration law; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman C.H. Miller:

Assembly Bill No. 329—AN ACT relating to workforce development; revising the eligibility requirements for transferable tax credits for film and other productions; requiring the Director of the Department of Corrections to establish and carry out a program to train and employ offenders in trades related to certain qualified productions relating to stage, film and television; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Assembly Bill No. 330—AN ACT relating to education; requiring a suspension or expulsion in a charter school or a university school for profoundly gifted pupils to be consistent with such punishments in certain public schools; requiring a plan for restorative discipline for public schools to include consideration of certain data relating to pupil discipline; authorizing the Superintendent of Public Instruction to require implementation of an alternative plan for restorative discipline if a public school fails to take certain

actions relating to disproportionality in pupil discipline; requiring a plan for restorative discipline to reflect the authority to temporarily remove a pupil from the classroom; authorizing a principal to place limitations on the ability of certain staff to remove certain pupils from the classroom; requiring certain actions by a school at the time of a suspension or expulsion of a pupil for committing certain acts; revising provisions regarding the suspension or expulsion of certain homeless pupils and pupils in foster care; revising requirements for policies for the appeal of suspensions and expulsions; repealing the requirement that the Department of Education, to the extent money is available, develop a statewide framework for restorative justice; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Duran:

Assembly Bill No. 331—AN ACT relating to court interpreters; requiring the Court Administrator to adopt certain regulations to establish a program for the conditional certification or registration of court interpreters and to set forth the circumstances in which a court or juvenile court may use the services of a person who is not a certified or registered court interpreter or conditionally certified or registered court interpreter; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Peters, Watts, Nguyen, Torres, Anderson, Carter, Gorelow, Koenig, La Rue Hatch, Mosca, Newby and Taylor and Senator Nguyen:

Assembly Bill No. 332—AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; requiring student loan servicers to pay certain assessments and fees; 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; authorizing the Commissioner to engage in certain activities relating to the monitoring of the market for the provision of student loan servicing and student education loans; establishing certain duties and prohibitions applicable to postsecondary educational institutions; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Duran:

Assembly Bill No. 333—AN ACT relating to housing; requiring, under certain circumstances, a housing authority to perform an inspection of and have certain repairs made to the dwelling units of certain residents; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Brown-May:

Assembly Bill No. 334—AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen La Rue Hatch, Brittney Miller, Brown-May, Carter, Considine, Gorelow, Orentlicher, Summers-Armstrong and Yurek:

Assembly Bill No. 335—AN ACT relating to education; revising and prescribing the maximum pupil-teacher ratios for certain classes and grades requiring additional compensation for certain teachers who teach one or more classes where the pupil-teacher ratio exceeds the maximum ratio; requiring the employment of at least two administrators for schools with a certain amount of enrolled pupils and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen González, Thomas, Torres, D'Silva, Carter, Duran, Newby and Nguyen:

Assembly Bill No. 336—AN ACT relating to driver authorization cards; revising provisions governing the renewal of driver authorization cards; removing the prohibition against using a driver authorization card for certain state and local purposes; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 78.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

Assembly Bill No. 124.

Bill read second time and ordered to third reading.

Assembly Bill No. 163.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 2, 3, 17, 19, 33, 36, 43, 47, 68, 82, and 231 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 165.

REMARKS FROM THE FLOOR

Assemblywoman Jauregui requested that the following remarks be entered in the Journal.

ASSEMBLYMAN O'NEILL:

I want to wish all of you a very happy St. Patrick's Day, particularly our students from Coral Academy. They know how to dress on this magnificent day—I think you do that every day, so congratulations.

On March 17, 2023, during this annual celebration of the feast of St. Patrick, Irish Americans join with men, women, and children of all ethnic origins for one day to become Irish and celebrate St. Patrick, the patron saint of Ireland. This year, we also rejoice and give thanks for 25 years of relative peace under the terms of the Good Friday Agreement. The Good Friday Agreement provided Ireland a political framework to address the future rights of people from different political traditions to pursue their goals of remaining part of the United Kingdom or of Irish unity, demonstrating democracy and peaceful means of solving their differences.

To that end, I have a proclamation signed by the Speaker and myself regarding this 25th anniversary of the Good Friday Agreement and the lasting relationship that we have between our two countries, the United States and Ireland. Additionally, draped over the Speaker's desk is the national flag of Ireland. This flag has been flown from 33 The Mall, the building in Waterford, Ireland, from which Thomas F. Meagher first flew the Irish flag on March 7, 1848. The flag is the embodiment of the strong and enduring links between the United States and Ireland. The colors of the national flag are green, for Irish nationalism; orange, for the Protestant minority and the Orange Order; and white, for the lasting peace between these two beliefs.

So, why do I mention Thomas F. Meagher in our celebration and our proclamation for the 175th anniversary of the flying of the Irish flag? He was a man born in Ireland who embodied the links between Ireland and the United States of America. In one lifetime, Thomas F. Meagher ran for election to the city council of Waterford, Ireland, and led the rebellion for freedom from British rule in Ireland in 1848. He was sentenced to death for his actions; however, his death sentence was commuted, and he was transferred to Australia for a term of life imprisonment. Being the individual that he was, with the strong will of the Irish behind him, he figured out how to escape and went to America. There, he became a brigadier general in the 69th Regiment of the famous Fighting Irish Brigade; befriended U.S. President Abraham Lincoln; and, lastly, became the acting governor of the Territory of Montana.

In conclusion, this proclamation is to recognize the British and the Irish governments' ongoing support and implementation of the Good Friday Agreement, which is the result of a long, determined negotiation process. May this celebration be a beacon for lasting peace in Northern Ireland.

I would also like to refer to the Roman Catholics and say that the Bishop of the Diocese of Reno has granted dispensation on this Friday to celebrate St. Patrick and enjoy the corned beef. We do not have to abstain. Thank you, Lord. To all: I wish you a very happy St. Patrick's Day. I will make my best attempt to say, *Lá fhéile Pádraig sona duit*, which is, Happy St. Patrick's Day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Natha Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Josie McCue.

On request of Assemblywoman Tracy Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Cummings.

On request of Assemblyman Max Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Avery Carter and Hadley Carter.

On request of Assemblyman Reuben D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Munoz.

On request of Assemblywoman Jill Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Jenifer Reyes.

On request of Assemblyman Ken Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Char Osorio, Ethan Wyatt, Jaya Vann, Jessica Hall, Jordyn Wyatt, and Kai Koos.

On request of Assemblyman Bert Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Gabriella Minoletti, Josef Hartford, Lexa Valdez, and Suzeth Lara.

On request of Assemblywoman Alexis Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Danyel Micheli.

On request of Assemblywoman Heidi Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Ellsworth and Gaby Renteria.

On request of Assemblywoman Daniele Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Ashton Osbahr.

On request of Assemblywoman Erica Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to DeShaun Casey.

On request of Assemblyman Duy Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Bui.

On request of Assemblyman P.K. O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Lander F. Smith and Todd Gosselin.

On request of Assemblyman David Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Lidia Ablelom.

On request of Assemblywoman Sarah Peters, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Coral Academy of Science National Honor Society: Amanda Shockley, Anabel Silva, Aubrey Miller, Calvin Mayheu, Ciara Pacheco, Crosby Hefner, David Oyerinde, Desiree Lao, Eva Mntskanyan, Gemaya Ansagay, Georgia Goodwin, Grace Maura, Gurman Kaur, Jacob Bonifacio, John Goodwin, Jude Hijazi, Khadija Samir, Lillian Goodwin, Lun Kline, Madina Jawad, Maura Ogden, Moses Moreno, Munif Zaman, Noah Moros, Rebecca Crawford, Samantha Mendoza, Seamus Feeney, Seini Taufu, Silas Bean, Skye Gift, Sophia Moreno, Stevie King, and Zoey Zimmerman.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, March 20, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly