

THE NINTH DAY

CARSON CITY (Wednesday), February 15, 2023

Senate called to order at 11:04 a.m.

President Anthony presiding.

Roll called.

All present.

Blessing by Fred Drye.

Creator, I pray to you today before this group of leaders where matters of importance will be discussed. I pray that discussions will be positive.

We pray that all is well especially with all the rain and snow we have had. Thank You, the moisture is much needed for water, crops, pine nuts and the land.

We pray that our wildlife be protected: eagles (*quanants*), bear (*quahaunt*), deer, horses, rabbits, cottontails, sheep, donkeys, et cetera.

We pray that our cultural sites be protected—dwellings, Indian medicines, pine nuts—and the trees, mountains and lands.

We pray that those who are sick heal and get better, and the military return home safely to their families.

Bless that our tribal leaders be strong, and those that are here all return home safely.

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

Senator Cannizzaro moved that the following persons be accepted as accredited press representatives, and that they be allowed the use of appropriate media facilities: GRAY MEDIA GROUP, INC., DBA KOLO TV: Wade Barnett; KOLO 8: Ed Pearce; KYODO NEWS: Mitsuya Tanaka; THE VEGAS VOICE: Danial Roberts.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 124 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By Senator Hansen:

Senate Joint Resolution No. 2—Urging Congress to require the United States Board on Geographic Names to consider renaming the Sheldon National Wildlife Refuge as the E. R. Sans National Wildlife Refuge.

Senator Hansen moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

JOURNAL OF THE SENATE

SPECIAL ORDERS OF THE DAY
VETO MESSAGES OF THE GOVERNOR

The hour of 11:15 having arrived, vetoed Senate Bills Nos. 254 and 391 of the 81st Session were considered.

Vetoed Senate Bill No. 254 of the 81st Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
OFFICE OF GOVERNOR STEVE SISOLAK
ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701

June 11, 2021

The Honorable Barbara K. Cegavske
Secretary of State
101 N. Carson Street, Suite 3
Carson City, Nevada 89701

Re: Senate Bill 254 of the 81st Legislative Session

Dear Secretary Cegavske:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 254 (SB 254), which is titled as follows:

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

SB 254 attempts to address two different issues. First, SB 254 would amend Nevada's housing discrimination laws to align with federal housing discrimination laws. This would allow the Nevada Equal Rights Commission (NERC) to partner with the federal Housing and Urban Development (HUD) agency to investigate housing discrimination complaints. Second, SB 254 attempts to limit the use of criminal background checks and criminal history as a reason for a landlord to refuse to rent a dwelling unit to an applicant. The intent of this part of the bill is to reduce recidivism and help people reintegrate into society by helping them obtain stable housing.

The first change in the bill expands the authority and responsibilities of NERC to assist it in pursuing housing discrimination complaints. While this change is good intentioned, in reality the effect will potentially deprive Nevadans of superior, cost-free fair housing enforcement that is currently available to them via HUD and the United State *[sic]* Department of Justice, Civil Rights Division.

While the bill would ultimately allow NERC to be certified as "substantially equivalent" by HUD and become eligible for federal funding, it would also place upon NERC and the Nevada Attorney General's Office the administrative requirements, burdens and legal costs that the Federal government has demonstrated to be able to successfully handle.

While HUD would cover the costs of NERC's handling of cases now handled by HUD under its Fair Housing Assistance Program (FHAP), the FHAP program will not cover the significant legal costs of the Attorney General's Office associated with prosecuting cases. With the ongoing

evictions and rental housing market challenges created by the COVID-19 pandemic, now is not the time to disrupt a process that is federally funded and effective for tenants.

The second concern with SB 254 is the also well-intentioned provisions that propose to limit a landlord's ability to refuse leasing to applicants with certain criminal records. Unfortunately, any potential benefits of these provisions are outweighed by the highly problematic sections that would force landlords to rent their property to applicants with serious criminal records.

SB 254 prohibits a landlord from refusing to lease to an applicant with a criminal record, except in cases where the applicant was convicted of certain violent or sexual offenses or arson. While these exceptions are helpful, the bill would still require landlords to rent to people with convictions for other serious crimes, including drug dealing, burglary, theft, fraud, and others.

The exception for arson is very narrow. Under this bill, a landlord can only refuse to lease to a person convicted of first-degree arson if the conviction occurred within the last year. "First degree arson" means maliciously setting fire to a dwelling or to an occupied car or other vehicle. *See* NRS 205.010. This is a very serious offense that can result in numerous deaths and cause untold property damage. Forcing landlords to rent to such arsonists would create an unacceptable danger to other tenants.

Additionally, SB 254 is drafted in a way that it is unlikely to achieve its intended purpose. The criminal background check portions of the bill only apply to the rental of a residence in a building that contains five or more dwelling units and that is owned by a natural person. In other words, it completely exempts corporate landlords, regardless of whether their buildings contain 1 or 500 dwelling units. It is doubtful that dwellings with five or more units that are owned by a natural person represent a significant part of the housing market. It also exempts single-family home landlords. Thus, it appears that SB 254 would not apply to the vast majority of rentals and is therefore unlikely to make a significant difference in whether people with criminal convictions can obtain housing. Furthermore, the landlord applicability section would be confusing for a tenant or a landlord to decipher what properties the bill applies to and it potentially creates a housing equity problem.

As discussed above, SB 254 imposes substantial restrictions on a landlord's ability to choose who rents their property. These restrictions are specifically placed on individual landlords only. These individuals would be required to navigate complex new rules, and - for each applicant - they must attempt to determine whether a conviction, including convictions from other states, meets one of the exceptions. Running afoul of the proposed law could result in the individual landlord being held liable for damages, civil penalties, and attorney's fees. It is not fair to place these burdens only on individual landlords who provide a relatively small number of dwellings, while completely exempting corporate landlords from the same standards. The statutory language in SB 254 leaves too much room for legal challenges to landlords who simply picked a different applicant or denied the applicant for a different reason.

Although I understand the noble purposes behind SB 254, the bill is drafted in such a way that it could impose substantial liability on individual landlords and yet not achieve one of its major goals.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
Governor Steve Sisolak
State of Nevada

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 254 of the 81st Session.

Motion carried.

Vetoed Senate Bill No. 391 of the 81st Session.

Bill read.

Governor's message stating his objections read.

OFFICE OF GOVERNOR STEVE SISOLAK
ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701

June 11, 2021

The Honorable Barbara K. Cegavske
Secretary of State
101 N. Carson Street, Suite 3
Carson City, Nevada 89701

Re: Senate Bill 391 of the 81st Legislative Session

Dear Secretary Cegavske:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 391 (SB 391), which is titled as follows:

AN ACT relating to dentistry; revising provisions relating to the State Dental Health Officer and State Public Health Dental Hygienist; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; authorizing the issuance of a permit as a dental responder to a dentist, dental hygienist or dental therapist who meets certain requirements; authorizing a dental responder to perform certain duties during a declared emergency, disaster, public health emergency or other health event; creating and prescribing the duties of the Committee on Dental Emergency Management; revising the membership of the Committee on Emergency Medical Services; requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; imposing certain requirements relating to the provision of services through teledentistry; requiring certain providers of dental care to receive training concerning teledentistry; prescribing certain requirements relating to the electronic storage of records; deeming certain conduct by a provider of dental care to be unprofessional conduct; and providing other matters properly relating thereto.

Senate Bill 391 would set forth new laws related to the State Dental Health Officer, governing teledentistry, and establishing a committee to make rules for dentists administering medical care during an emergency.

I support the provisions of the bill that would allow for use of teledentistry to bring dental care to more Nevadans, especially those in rural areas, and I remain committed to continue working on these efforts. Unfortunately, however, I cannot support this bill because of the provisions that create a new committee governing the practice of dentistry during an emergency.

The committee would be required to meet at least twice a year, whether or not any emergency exists. The committee would advise and provide recommendations to the Board of Dental Examiners, the State Board of Health, and the Department of Health and Human Services, and other agencies. It would develop a plan for the practice of dental care during an emergency, and submit an annual report to the Division of Emergency Management stating the policies and procedures adopted by the committee. It is unclear why a new committee is necessary to develop such recommendations, or whether those policies would be binding on the Dental Board and on dentists and dental hygienists. There is no similar committee for other licensed medical professionals.

Additionally, the bill would entirely exempt the committee from the Open Meeting Law when there is an emergency or disaster. The Open Meeting Law already contains limited exceptions for

emergency situations. *See* NRS 241.020(3). "Emergency" in the Open Meeting Law is defined to mean a situation requiring immediate action. NRS 241.020(11). This bill would create a blanket exception during any declaration of emergency, regardless of whether that emergency is related in any way to dentistry, and regardless of whether immediate action by the committee is necessary. I strongly disagree with such a broad exemption from the Open Meeting Law.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
Governor Steve Sisolak
State of Nevada

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Senator Cannizzaro moved no further consideration of vetoed Senate Bill No. 391 of the 81st Session.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Hansen, Goicoechea, Buck, Titus and Stone:

Senate Bill No. 140—AN ACT relating to taxation; revising the distribution of the proceeds from the excise tax on live entertainment for certain activities provided by a tax-exempt organization or nonprofit corporation in certain smaller counties; and providing other matters properly relating thereto.

Senator Hansen moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senators Hansen, Goicoechea, Buck, Titus, Doñate, Krasner and Stone:

Senate Bill No. 141—AN ACT relating to wildlife; eliminating the requirement that a holder of a license or permit to hunt, fish or trap has the license or permit in his or her possession while hunting, fishing or trapping; and providing other matters properly relating thereto.

Senator Hansen moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Harris, Scheible, Flores, Doñate, Daly and Lange:

Senate Bill No. 142—AN ACT relating to homelessness; enacting the Homeless Persons' Bill of Rights; authorizing certain civil actions; and providing other matters properly relating thereto.

Senator Cannizzaro moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Neal:

Senate Bill No. 143—AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission within the Department of Employment, Training

and Rehabilitation to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; providing that certain requirements relating to guarantors constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Lange, Krasner, Doñate, Hansen, Neal, Nguyen, Pazina and Stone:

Senate Bill No. 144—AN ACT relating to education; providing for the appointment of a career and technical program tax credit organization to distribute donations to eligible programs of career and technical education at the direction of the State Board of Education; establishing a credit against the modified business tax and the general tax on insurance premiums for a taxpayer who donates money to a career and technical program tax credit organization; and providing other matters properly relating thereto.

Senator Lange moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senators Lange, Doñate, Daly and Ohrenschall:

Senate Bill No. 145—AN ACT relating to employee misclassification; authorizing the Labor Commissioner to use certain money to pay for additional staff for the Office of the Labor Commissioner; revising provisions relating to the communication between offices of certain state agencies of information relating to employee misclassification; revising the amount of the administrative penalty that may be imposed for certain conduct relating to employee misclassification; eliminating the Task Force on Employee Misclassification; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Lange, Spearman and Doñate:

Senate Bill No. 146—AN ACT relating to health care; revising provisions governing the regulation of hospitals; prohibiting a health carrier from denying certain providers of health care from entering into a contract to join the network of the health carrier under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Lange, Cannizzaro, Daly, Doñate and Flores:

Senate Bill No. 147—AN ACT relating to employment; requiring the payment of certain wages and compensation to an employee when an employer lays off the employee; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Lange, Daly and Doñate:

Senate Bill No. 148—AN ACT relating to education; prohibiting a local school precinct from employing or otherwise procuring the services of certain personnel for a school; providing that the superintendent of a large school district is responsible for making certain personnel decisions; requiring local school precincts to transfer a certain amount of money to the county school district fund at the end of each fiscal year under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Buck, Titus, Hansen, Stone, Krasner, Goicoechea and Seevers Gansert:

Senate Bill No. 149—AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the proficiency of pupils in the subject area of mathematics; requiring the principal of each public elementary school to designate at least one teacher as a mathematics specialist; requiring certain interventions for pupils enrolled in elementary school to achieve adequate proficiency in mathematics; prohibiting a public school from promoting a pupil to certain grades if the pupil does not achieve proficiency in reading or mathematics unless a good-cause exemption is granted; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Buck, Krasner and Stone:

Senate Bill No. 150—AN ACT relating to psychologists; providing for the issuance of a provisional license to psychological assistants, psychological interns and psychological trainees; revising certain fees charged to psychological assistants, psychological interns and psychological trainees; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Buck, Krasner and Stone:

Senate Bill No. 151—AN ACT relating to education; revising various provisions relating to the statewide system of accountability for public schools; revising requirements to receive a standard high school diploma; revising provisions relating to teacher evaluations; directing the Department of Education to develop a mentorship program for school personnel; directing the State Board of Education to create a program to award certain incentives to schools and teachers; revising provisions governing school attendance; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Buck, Seevers Gansert, Hansen, Goicoechea and Stone:

Senate Bill No. 152—AN ACT relating to education; revising provisions governing the plan for the discipline of pupils established by the board of trustees of a school district; revising provisions governing the age at which a pupil of a public school may be suspended, expelled or permanently expelled under certain circumstances; removing the requirement for a public school to provide a plan of action based on restorative justice before taking certain disciplinary action against a pupil; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Scheible, Harris, Spearman, Flores and Neal; Assemblywomen González and Peters:

Senate Bill No. 153—AN ACT relating to corrections; requiring the Director of the Department of Corrections to adopt regulations prescribing certain standards concerning offenders who are transgender, gender non-conforming, gender non-binary and intersex; requiring a program of facility training for correctional staff to include training in cultural competency for interacting with offenders who are transgender, gender non-conforming, gender non-binary and intersex; and providing other matters properly relating thereto.

Senator Scheible moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Buck:

Senate Bill No. 154—AN ACT relating to crimes; establishing the crime of fertility fraud; creating a cause of action for a person who has suffered injury

as a result of fertility fraud; providing penalties; and providing other matters properly relating thereto.

Senator Buck moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By Senator Ohrenschall:

Senate Bill No. 155—AN ACT relating to homeless persons; prohibiting a county board of commissioners and the city council or other governing body of an incorporated city from enacting and enforcing ordinances that discriminate against a homeless person; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Ohrenschall:

Senate Bill No. 156—AN ACT relating to governmental administration; setting forth certain requirements for a public body to conduct a meeting by means of a remote technology system during certain emergencies; and providing other matters properly relating thereto.

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

Motion carried.

REMARKS FROM THE FLOOR

Senator Harris requested that her remarks be entered in the Journal.

Today is Nevada Tribes Legislative Day. I thought it was appropriate that I start off with a land acknowledgement because since we live, play and work on the ancestral homelands of the Numa, Newe, Nuwuvi and Wa She Shu, who have lived in the Great Basin since time began. We hold the deepest respect and gratitude for our major Indigenous groups: the Northern Paiute, Shoshone, Southern Paiute and Washoe—not just the original caretakers of the land we now call Nevada—for their enduring stewardship and protection of our shared lands and waterways. Today, the Assembly and Senate reaffirm their commitment to improve the quality of life for our 28 tribal nations, bands, colonies and the 62,000-plus urban Indians who chose to make Nevada their home.

Nevada Revised Statutes 236.038 establishes "Nevada Tribes Legislative Day" as the second Tuesday of February during each regular session of the Legislature, and that date is here. Nevada Tribes Legislative Day in our great State is in recognition of the contributions American Indians have made to the prosperity and cultural diversity of Nevada and the United States.

Today, over 150 Native Americans—youth, elders, elected officials, educators, organizers and community members—have travelled to our State Capital to celebrate the rich, vibrant culture, history and current lifestyles of the original caretakers of this land, which we now call Nevada. Make no mistake, our tribal citizens are engaged. As one tribal chair frequently says, "What is good for Nevada is good for Indian country."

Today's event has brought 12 of the highest elected officials as well as the Sho-Pai Tribe of Duck Valley's entire Tribal Council to the State Legislature.

We are joined by over 50 Native American students, fifth graders through college-aged, to witness firsthand how the State Legislature works, or sometimes does not, and how critical civic engagement is for all Nevadans.

Please help me in recognizing the first people of this land: the Numa, Newe, Nuwuvi, Wa She Shu and all our urban Indian participants.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to James Phoenix.

On request of Senator Daly, the privilege of the floor of the Senate Chamber for this day was extended to Dwight George.

On request of Senator Doñate, the privilege of the floor of the Senate Chamber for this day was extended to Jizhoni Witherspoon.

On request of Senator Flores, the privilege of the floor of the Senate Chamber for this day was extended to Jonnette Paddy.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Alvin Chan.

On request of Senator Neal, the privilege of the floor of the Senate Chamber for this day was extended to Taylor Patterson.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Andrea Martinez and Nizhoni Widehat.

Senator Cannizzaro moved that the Senate adjourn until Wednesday, February 15, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:39 a.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate