

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE FIFTEENTH DAY

CARSON CITY (Monday), February 20, 2023

Assembly called to order at 11:53 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ken Haskins.

Our Father in heaven, the wisdom of Solomon is encapsulated in the proverb: “Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to Him, and He will make your paths straight.” Lord, keep our priorities right. Make our paths straight. In Jesus’ Name I pray.

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 DeLong, Gray, Dickman, Gallant, Hibbetts and Kasama and Senator Krasner:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to revise certain procedures relating to proposed amendments to the Nevada Constitution.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass ~~any~~ :

(a) *Any* bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session ~~[-]~~ ; *or*

(b) *A proposed amendment or amendments to this Constitution.*

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

6. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the business for which they have been specially convened.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass ~~any~~ :

(a) *Any* bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session ~~[-]~~ ; *or*

(b) *A proposed amendment or amendments to this Constitution.*

3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this

Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 1 of Article 16 of the Nevada Constitution be amended to read as follows:

Section 1. 1. Any amendment or amendments to this Constitution may be proposed *during a regular session of the Legislature* in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred *during the next regular session* to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if ~~it is~~, *during the next regular session*, the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 or section 2 of article 19 of this constitution, become a part of the Constitution.

2. If, two or more amendments which affect the same section of the constitution are ratified by the people pursuant to this section at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other ratified amendment or amendments compatible with it, shall become a part of the constitution.

3. If, after the proposal of an amendment, another amendment is ratified pursuant to this section which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment *during the next regular session*, shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified pursuant to this section which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

And be it further

RESOLVED, That Section 2 of Article 16 of the Nevada Constitution be amended to read as follows:

~~{See: 2.}~~ **Sec. 2** If at any time *during a regular session* the Legislature by a vote of two thirds of the Members elected to each house, shall determine that it is necessary to cause a revision of this entire Constitution they shall recommend to the electors at the next election for Members of the Legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election, shall have voted in favor of calling a Convention, the Legislature shall, at its next *regular* session provide by law for calling a Convention to be holden within six months after the passage of such law, and such Convention shall consist of a number of Members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

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

Motion carried.

NOTICE OF EXEMPTION

February 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bill No. 166.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 5, 7, 9, 10, 46, 71, 77, 85, 99, 109, 150, 158, 178.

SARAH COFFMAN
Fiscal Analysis Division

February 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 45.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 118.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of February 20, 2023, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

NEVADA APPEAL: Scott Neuffer; REYNOLDS SCHOOL OF JOURNALISM: Parker Samuelson; THE NEVADA SAGEBRUSH: Rachel Jackson; UNRELENTING MEDIA: Joseph Abraham, Daniel Abraham.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Mosca:

Assembly Bill No. 185—AN ACT relating to education; requiring school districts, charter schools and university schools for profoundly gifted pupils to take certain measures to accommodate a pupil who plans to transfer to the school district or school or leave the school district or school because of the documented pending military transfer of a parent or guardian; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kasama:

Assembly Bill No. 186—AN ACT relating to food establishments; prohibiting a food establishment from providing drinking water unless requested by a customer; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Kasama, Hansen and Koenig:

Assembly Bill No. 187—AN ACT relating to education; prohibiting a program of instruction using the three-cueing system model of reading for certain public school and charter school 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 Kasama, Gray, Gurr, Hibbetts, Koenig, Thomas and Yurek; Senators Ohrenschall and Dondero Loop:

Assembly Bill No. 188—AN ACT relating to health care; revising the circumstances under which a physician is authorized to prescribe or recommend and a manufacturer is authorized to provide or make available an investigational drug, biological product or device; authorizing a manufacturer to provide or make available an individualized investigational treatment to a patient under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an individualized investigational treatment; authorizing a physician to prescribe or recommend an individualized investigational treatment under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 189—AN ACT relating to construction; setting forth certain limitations on the board of county commissioners or the governing body of a city in certain counties in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year in a common-interest community; prohibiting, under certain circumstances, a common-interest community from restricting the hours that construction work may begin in certain counties or cities during certain times of the year; 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 Kasama:

Assembly Bill No. 190—AN ACT relating to elections; requiring the Secretary of State to prescribe by regulation a voter registration form that must be distributed by a title company and certain apartment associations and property management companies under certain circumstances; 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 Assemblymen DeLong, Dickman, Gallant and Gurr:

Assembly Bill No. 191—AN ACT relating to water; revising provisions relating to a plan of water conservation and plan for incentives relating to water conservation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman González:

Assembly Bill No. 192—AN ACT relating to elections; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; 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 Assemblymen González, D'Silva, Thomas, Anderson, Torres, Gorelow, La Rue Hatch, Marzola, C.H. Miller, Nguyen, Orentlicher, Peters and Taylor; Senators Ohrenschall and Nguyen:

Assembly Bill No. 193—AN ACT relating to criminal procedure; prohibiting a peace officer or other person authorized to conduct a custodial interrogation of a child from making certain statements during a custodial interrogation of a child; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hansen, Hardy, Kasama, Dickman, Torres, DeLong, Gallant, Gray, Gurr, Koenig, McArthur, O'Neill, Taylor and Yurek and Senator Hansen:

Assembly Bill No. 194—AN ACT relating to education; revising provisions governing the suspension, expulsion or permanent expulsion of a pupil from a public school in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Hardy:

Assembly Bill No. 195—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to waive the fee for the administration of the examination required for the issuance of a noncommercial driver's license for

certain persons released from prison; requiring the Department to waive any fee that would otherwise be imposed against a person for the late renewal of a driver's license if the late renewal resulted from the person being incarcerated; requiring the Department to reinstate free of charge a driver's license or to provide an original or renewal driver's license to certain persons released from prison in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hardy and Hafen:

Assembly Bill No. 196—AN ACT relating to health care; authorizing the use of one vial of certain neuromodulators for multiple injections and for multiple patients; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 197—AN ACT relating to health care; authorizing the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on certain health care providers; creating the Account to Improve Health Care Quality and Access for Patients of Certain Providers; prescribing the authorized uses of the revenue generated by the assessment; requiring the Division to adopt regulations establishing administrative penalties against a health care provider who does not pay an assessment in a timely manner; authorizing the Division to take certain measures to collect an unpaid assessment or administrative penalty; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Orentlicher:

Assembly Bill No. 198—AN ACT relating to health care; providing for the registration of providers of health care who are not licensed in this State to provide services through telehealth to patients located in this State and for the regulation of such providers; establishing proper venue for a civil action arising out of the provision of a service through telehealth; revising the circumstances under which a provider of health care is authorized to provide services through telehealth to a patient located in this State; abolishing certain licensure to practice medicine; providing for the licensure of certified registered nurse anesthetists as advanced practice registered nurses; authorizing such an advanced practice registered nurse to order and select

controlled substances, poisons and dangerous drugs under certain circumstances; 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 Duran, Carter, Considine, D'Silva, González, Thomas and Torres:

Assembly Bill No. 199—AN ACT relating to chiropractic; authorizing a chiropractic physician to evaluate and treat a person who has sustained an injury to the head; authorizing a chiropractic physician to clear a pupil or youth for participation in certain activities after the pupil or youth has sustained an injury to the head; 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 Assemblyman McArthur:

Assembly Bill No. 200—AN ACT relating to the Legislature; reducing the number of legislative measures that may be requested for a regular legislative session; codifying into statute certain provisions of the Joint Standing Rules of the Senate and Assembly that authorize requests for legislative measures; 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 the Committee on Health and Human Services:

Assembly Bill No. 201—AN ACT relating to behavioral health; requiring the Commission on Behavioral Health to provide certain oversight and make certain recommendations concerning the children's behavioral health system of care; requiring the formulation and operation of comprehensive state plans to provide behavioral health services for adults and children; requiring the certification of persons and entities who receive federal or state money to provide such services; requiring the adoption of clinical standards of care for the provision of such services; revising certain duties of the Commission, regional behavioral health policy boards and mental health consortiums of this State; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Summers-Armstrong:

Assembly Bill No. 202—AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living

quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Hafen, D'Silva, Gray, Brown-May, Hansen, Hardy, McArthur, Thomas, Torres and Watts and Senator Nguyen:

Assembly Bill No. 203—AN ACT relating to motor vehicles; authorizing the combination of personalized prestige license plates and certain special license plates; exempting from the payment of certain parking fees vehicles with certain specially designed license plates for family members of persons killed in the line of duty or who died of injuries sustained while on active duty in the Armed Forces of the United States; providing a penalty for persons who make certain false statements or submit false, fraudulent or misleading evidence in connection with an application for certain specially designed license plates; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Hansen:

Assembly Bill No. 204—AN ACT relating to mining; revising provisions relating to the location of a mill site; 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 Gray, Dickman, DeLong, Gallant, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, O'Neill and Yurek:

Assembly Bill No. 205—AN ACT relating to adoption; establishing the Nevada Child Adoption Grant Program to award grants to assist certain prospective adoptive parents with certain costs of adoption; establishing a credit against the modified business tax for taxpayers who donate money to the Nevada Child Adoption Grant Program; and providing other matters properly relating thereto.

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

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Luis Galvez.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Imer Cespedes and Alex Peralta.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Kateyah Reed and Jesse Cruz.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Robert J. Fliegler.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Adrianna Hernandez, Kevin Osorio Hernandez, and Gilda Espinoza.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Zaib Shaikh, Arwen Widmer Bobyk, and Dionne Stanfill.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Vaskov and Olivia Ngo.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to T.J. Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Tuesday, February 21, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly