

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 22, 2023

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Backus, who was excused.

Prayer by the Chaplain, Pastor Ken Haskins.

Our Heavenly Father, our greatness is seen clearly in service. “The greatest shall be Your servant.” Bless these public servants, their families, and all the people of Nevada whom they serve. I pray in the Name of the One who came not to be served, but to serve, even Jesus.

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 Peters, Watts and Thomas; Senators Doñate and Scheible:
Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to establish certain rights relating to the environment.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 25, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 25. 1. Each person has an inherent, inalienable, indefeasible and selfexecuting right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment.

2. The State of Nevada’s natural resources, among them its waters, air, flora, fauna, climate and public lands, are the common property of all the people, including both present and future generations. The State, including each branch, agency and political subdivision, shall serve as trustee of these resources. The State shall conserve, protect and maintain these resources for the benefit of all people.

3. The State, including each branch, agency and political subdivision, shall equitably protect these rights for all people regardless of race, ethnicity, gender, geography or wealth and shall act with prudence, loyalty, impartiality and treat equitably all beneficiaries in fulfilling the trust obligations of the State.

4. The State shall take no action that would cause unreasonable degradation, diminution or depletion of the environment, through direct state action, or inaction, or through the action of others.

And be it further

RESOLVED, That this resolution become effective upon passage.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 3—Directing the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Duran, Torres, González, Carter, Gorelow, La Rue Hatch, Marzola, Newby, Nguyen and Thomas:

Assembly Bill No. 210—AN ACT relating to public works; requiring a contractor or subcontractor on a public work to provide a worker with written notice of certain information in the primary language of the worker; requiring the Labor Commissioner to prepare template forms for such notice; requiring a contractor or subcontractor on a public work to provide certain information to workers regarding leave; requiring a person found by the Labor Commissioner to have failed to pay prevailing wages to a worker to pay certain damages to the affected worker; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 211—AN ACT relating to public employees; requiring, under certain circumstances, the Public Employees' Retirement Board to request the actuary of the Public Employees' Retirement System compute for certain members of the System the amount of money necessary to pay the full actuarial cost of converting retirement service credit to the Police and Firefighters' Retirement Fund; authorizing, under certain circumstances, certain public employers and employee organizations to engage in supplemental collective bargaining to allow certain law enforcement dispatchers to participate in the Fund and convert certain service credit to the Fund; requiring certain law enforcement dispatchers to successfully complete a program for the training of law enforcement dispatchers; revising provisions

governing the sharing of information concerning applicants for certain positions with public safety agencies; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Mosca:

Assembly Bill No. 212—AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to establish certain policies and procedures that ensure certain students are able to access or obtain official and unofficial transcripts; prohibiting an institution with the Nevada System of Higher Education from charging students that owe a debt to the System or an institution within the System a higher fee to obtain a transcript; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Jauregui:

Assembly Bill No. 213—AN ACT relating to land use planning; requiring the governing body of a city or county to publish certain information on its Internet website relating to certain applications relating to land use planning; revising provisions relating to the procedures for review of certain applications for land use planning; revising provisions relating to rural neighborhood preservation plans; revising provisions relating to the adoption of measures in certain counties relating to affordable housing; providing, under certain circumstances, that a tentative map shall be deemed to be unconditionally approved by certain state agencies; providing that certain deadlines relating to land use planning that apply to counties also apply to cities; requiring counties and cities to enact certain ordinances relating to projects for affordable housing on or before July 1, 2024; making certain legislative declarations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Anderson and Senator Daly:

Assembly Bill No. 214—AN ACT relating to regional transportation commissions; providing certain eligibility requirements for a person to submit a bid for a high-capacity transit system utilizing a turnkey procurement process; providing certain requirements for the use of an electronic surveillance system; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission; revising certain requirements for a commission to use a turnkey procurement process

for a high-capacity transit system; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gorelow, Orentlicher and Thomas and Senator Ohrenschall:

Assembly Bill No. 215—AN ACT relating to the Nevada Silver Haired Legislative Forum; revising the residency requirements to be eligible for appointment as a member of the Forum; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gorelow:

Assembly Bill No. 216—AN ACT relating to insurance; repealing, reenacting, reorganizing and revising various provisions relating to travel insurance; authorizing the Commissioner of Insurance to adopt regulations relating to travel insurance; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Watts, González, Anderson, Considine, C.H. Miller, Backus, Bilbray-Axelrod, Brown-May, Carter, Cohen, D'Silva, Gorelow, La Rue Hatch, Mosca, Peters, Summers-Armstrong, Taylor, Thomas and Torres; Senators Flores, Doñate, Neal, Lange, Nguyen and Pazina:

Assembly Bill No. 217—AN ACT relating to education; revising provisions relating to the Liaison for Post-Secondary Education for Homeless Pupils within the Nevada System of Higher Education; authorizing the Board of Regents of the University of Nevada to require institutions within the System to prioritize registration for the enrollment of certain pupils in certain courses; revising provisions governing the waiver of fees by the Board of Regents for certain homeless or unaccompanied pupils; and providing other matters properly relating thereto.

Assemblywoman Bilbray-Axelrod moved that the bill be referred to the Committee on Education.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMEN

Assembly Bill No. 152.
Bill read second time and ordered to third reading.

Senate Bill No. 124.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 2.

SHORT FORM AMENDMENT

Section 2.3 of this act is the only section affected by this amendment.

The Title of Senate Bill No. 124 First Reprint is hereby amended as follows:

AN ACT relating to taxation; revising the manner by which a portion of the revenue generated by the tax upon the net proceeds of minerals and royalties of mining operations is distributed to the State Education Fund; **revising provisions relating to the transfer of money to the Education Stabilization Account in the State Education Fund;** clarifying the treatment of the proceeds of such a tax within a county school district fund; clarifying the status of the money contained in such a fund on a certain date; providing for the early expiration of certain requirements regarding the imposition and advance payment of a portion of the tax upon the net proceeds of minerals and royalties; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law imposes a tax upon the net proceeds of minerals extracted in this State and mineral royalties. (NRS 362.100-362.240) A portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties is appropriated to the county in which the mining operation is located for apportionment by the county treasurer to each local government or other local taxing entity in that county in an amount equal to the property tax rate for local purposes in that jurisdiction multiplied by the net proceeds extracted from and royalties paid by extractive operations in that jurisdiction, plus a pro rata share of any penalties and interest collected by the Department of Taxation for any late payment of the tax. (NRS 362.170) Existing law requires the portion of the revenue apportioned by the county treasurer to a county school

district for any purpose other than capital projects or debt service for the county school district to be paid by the county treasurer to the State Treasurer for deposit in the State Education Fund. The county treasurer is authorized to retain a commission of 5 percent from this amount. (NRS 362.170) **Section 1** of this bill removes the appropriation to the county, and apportionment by the county treasurer of, the portion of the revenue that would otherwise be apportioned to a county school district for any purpose other than capital projects or debt service for the county school district. Instead, **section 1** requires the Department to deposit this revenue directly in the State Education Fund, which also has the effect of removing the retention by the county treasurer of a commission of 5 percent of the revenue and requiring the entire amount to be deposited in the State Education Fund. **Section 2** of this bill makes a conforming change to reflect that this revenue will be transferred to the State Education Fund by the Department.

Existing law requires, with certain exceptions, that each county school district annually transfer from the county school district fund to the Education Stabilization Account in the State Education Fund any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. (NRS 387.1213) **Section 2.3** of this bill revises this requirement to be based on the actual, rather than budgeted, ending fund balance of a county school district fund and the total actual, rather than budgeted, expenditures for the fund. **Section 2.3 also** clarifies that certain proceeds of the tax upon the net proceeds of minerals and mineral royalties that are received by a county school district are excluded from the ~~(budgeted)~~ actual ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, are not subject to such a transfer.

If a county school district maintained an ending fund balance in its county school district fund which exceeded 16.6 percent of the total budgeted expenditures for the fund on June 30, 2020, existing law allows the county school district to maintain an ending fund balance which does not exceed that higher amount, rather than 16.6 percent, before being required to transfer money to the Education Stabilization Account. (Section 77 of chapter 624, Statutes of Nevada 2019, at page 4252) **Section 5.5** of this bill repeals that provision, and **section 2.3** instead provides that any money which was deposited in a county school district fund on or before June 30, 2020, is excluded from the ~~(budgeted)~~ actual ending fund balance of a county school district fund for the purpose of the transfer to the Education Stabilization Account required by existing law and, thus, is not subject to such a transfer. **Section 1.5** of this bill makes a conforming change to remove a reference to the repealed provision.

Existing law provides that the portion of the revenue generated by the tax upon the net proceeds of minerals and mineral royalties which is appropriated to a county school district pursuant to the Pupil-Centered Funding Plan is

deemed to be the first money appropriated to the county school district pursuant to the Plan. (NRS 387.1214) **Section 2.5** of this bill clarifies that such money is also deemed to be the first money spent by a county school district from the county school district fund each fiscal year. **Section 4.5** of this bill provides that **sections 2.3 and 2.5** do not apply to or affect the obligation of any entity to repay any amount of money to which the entity was not entitled.

Existing law requires a person extracting any mineral in this State to file a statement which shows the estimated gross yield and estimated net proceeds from each operation for the current calendar year and an estimate of all royalties that will be paid during the current calendar year. (NRS 362.115) Existing law temporarily requires advance payment of the portion of the tax that is distributed to the State General Fund, based upon the estimated net proceeds and royalties for the current calendar year. (NRS 362.115) This advance payment requirement expires on June 30, 2023. (Chapter 4, Statutes of Nevada 2020, 31st Special Session, at page 32) **Section 4** of this bill advances the date on which the advance payment requirement expires to June 30, 2022. **Section 3** of this bill revises provisions governing certain duties of the Department relating to the expiration of the advance payment requirement to provide for the carrying out of those duties in Fiscal Year 2022-2023, rather than Fiscal Year 2023-2024.

Section 2.3 of Senate Bill No. 124 First Reprint is hereby amended as follows:

Sec. 2.3. 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~~ ~~and~~ 5, 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 ~~budgeted~~ *actual* ending fund balance of the county school district fund exceeds 16.6 percent of the total ~~budgeted~~ *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 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:

(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. ***When determining the ~~Budgeted~~ actual ending fund balance for the purposes of subsection 1, each county school district shall exclude:***

(a) Any money deposited in the county school district fund on or before June 30, 2020;

(b) Any money apportioned to the county school district for capital projects or debt service pursuant to subsection 2 of NRS 362.170 and deposited in the county school district fund when authorized by law; and

(c) Any money transferred to the county school district and authorized for expenditure as a continuing appropriation pursuant to paragraph (b) of subsection 6 of NRS 387.1214.

6. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of 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.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

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

On request of Assemblyman Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Muelrath and Will Yepez.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Kristina Kliet.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Ryan and Emily Osterberg.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, February 23, 2023, at 11:30 a.m.
Motion carried.

Assembly adjourned at 12:09 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly