

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 23, 2023

Assembly called to order at 11:39 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ken Haskins.

Our loving Heavenly Father, You are the very definition of love, for it is written, God is love. You always seek to promote the best interests of all Your children. Help us to be more loving and to promote the best interests of others, even before ourselves. I pray, in Jesus' name.

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.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 13.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 6, 42, 63, 135, 140, 151, 153.

SARAH COFFMAN
Fiscal Analysis Division

February 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 10.

WAYNE THORLEY
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Considine:

Assembly Bill No. 218—AN ACT relating to real property; prohibiting certain landlords from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; requiring any reference in a written rental agreement to the amount of rent due under the agreement to be set forth in a certain manner; establishing certain practices as deceptive trade practices; providing a penalty; 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 Assemblywoman Considine:

Assembly Bill No. 219—AN ACT relating to governmental administration; requiring, under certain circumstances, a public body to have an additional period devoted to public comment when a public meeting is continued to another day; prohibiting, with certain exceptions, a public body from considering any item that is not set forth on the original agenda for the meeting if a meeting is continued to a day other than the date set forth on the agenda for the meeting; requiring, under certain circumstances, a public body to post a copy of the notice of a meeting at the building in which the meeting is to be held; requiring, under certain circumstances, a meeting agenda to include clear and complete instructions for a member of the general public to call into a meeting to provide public comment; requiring a member of a public body to attend a certain number of meetings of the public body in person at a physical location; requiring, under certain circumstances, instructions for a member of the general public to call into a meeting to provide public comment to be read verbally verbatim before each period devoted to public comment begins; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 220—AN ACT relating to water; requiring certain property owners with a septic system to connect to a community sewerage disposal system by January 1, 2054; revising provisions relating to a permit to operate a water system; revising provisions relating to water and sewer facilities; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; requiring the State Engineer to restrict withdrawals of groundwater under certain circumstances; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 221—AN ACT relating to wildlife; authorizing the management of designated terrestrial invertebrates by the Board of Wildlife Commissioners and the Department of Wildlife; revising the definition of “wildlife” to include designated terrestrial invertebrates; establishing a wildlife classification for designated terrestrial invertebrates; requiring the listing of designated terrestrial invertebrates as a fully protected species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Carter, Peters, La Rue Hatch, Anderson, Torres, Duran, Monroe-Moreno, Summers-Armstrong, Taylor and Thomas and Senator Nguyen:

Assembly Bill No. 222—AN ACT relating to the Public Employees' Retirement System; revising the computation of credit for service for certain members of the Public Employees' Retirement System who are employed by a school district; 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 Carter, Anderson, D'Silva, Duran, Koenig, La Rue Hatch, C.H. Miller, Monroe-Moreno, Peters, Summers-Armstrong, Thomas and Torres and Senator Nguyen:

Assembly Bill No. 223—AN ACT relating to collection agencies; requiring a collection agency to provide a payoff letter upon the request of a debtor; authorizing a debtor to bring a civil action against a collection agency that violates that requirement; 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 Peters, Watts, Bilbray-Axelrod, Anderson, La Rue Hatch, Brown-May, Carter, Cohen, Considine, D'Silva, Duran, González, Gorelow, Hibbetts, Jauregui, Koenig, Marzola, Brittney Miller, C.H. Miller, Monroe-Moreno, Nguyen, Orentlicher, Summers-Armstrong, Taylor, Thomas, Torres and Yeager; Senators Nguyen, Doñate and Pazina:

Assembly Bill No. 224—AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 13.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 152 makes a one-time General Fund appropriation of \$42,139,109 to restore the balance in the Reserve for Statutory Contingency Account, which was included in the Executive Budget.

Roll call on Assembly Bill No. 152:

YEAS—42.

NAYS—None.

Assembly Bill No. 152 having received a constitutional majority, declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

The following amendment was proposed by Assemblywoman Monroe-Moreno:

Amendment No. 3.

SHORT FORM AMENDMENT

Section 1.5 of this act is the only section affected by this amendment.

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 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. **Section 1.5 of this bill makes a conforming change relating to the use of actual, rather than budgeted, ending fund balances and expenditures.**

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 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 1.5 of Senate Bill No. 124 Second Reprint is hereby amended as follows:

Sec. 1.5. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

- (a) Whether the fund is being used in accordance with the provisions of this chapter.
- (b) Whether the fund is being administered in accordance with generally accepted accounting procedures.
- (c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.
- (d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.
- (e) The statutory and regulatory requirements applicable to the fund.
- (f) The balance and retained earnings of the fund.

2. Except as otherwise provided in subsections 3 and 4 and NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For any local government other than a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than 16.67 percent of the total budgeted expenditures, less capital outlay, for a general fund:

- (a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

4. For a school district, for the purposes of chapter 288 of NRS:

(a) A budgeted ending fund balance of not more than 12 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization; and

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits; and

(b) Any portion of a budgeted ending fund balance which exceeds 16.6 percent of the total budgeted expenditures for a county school district fund:

(1) Is not subject to negotiations with an employee organization; and

(2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits. ~~;~~ and

~~—(3) Except as otherwise provided in section 77 of chapter 624, Statutes of Nevada 2019, at page 4252, must Must be transferred to the Education Stabilization Account pursuant to NRS 387.1213.]~~

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

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

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 124, as amended, revises and clarifies existing provisions pertaining to the money received by the county school districts from the tax upon the net proceeds of minerals and royalties of mining operations and the requirement to transfer such money to the State Education Fund. The bill also advances, to June 30, 2022, from June 30, 2023, the expirations of the requirement that entities make advance payment of the portion of the tax upon net proceeds of minerals and royalties of mining operations owed to the State General Fund based upon estimates for that current calendar year.

Senate Bill 124, as amended, further revises the method used to calculate annual transfers from county school districts to the Education Stabilization Account in the State Education Fund to use actual, instead of budgeted, ending fund balances and expenditures.

Roll call on Senate Bill No. 124:

YEAS—37.

NAYS—Gray, Gurr, Hafen, Hansen, Koenig—5.

Senate Bill No. 124 having received a constitutional majority, declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman O'Neill requested that the following remarks be entered in the Journal.

ASSEMBLYMAN O'NEILL:

I may not look it, but I actually have six grandchildren. I know you are shocked. My oldest grandson, Staten Colby Lubich, is turning 11 today. Unfortunately, he is also a resident of the state of Texas, back East. I would like to have us all wish him a happy birthday. Happy birthday, Staten.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Norman Wright.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Lilang.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to John Phoenix.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Harig.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Tucker and James Combs.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Washabaugh.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Councilman Dan Stewart.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Mayor Michelle Romero.

On request of Assemblywoman Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Susan VanBeuge.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Lemus, Brandee Shipman, and Rachel Wilding.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth De Leon Gamboa.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Doris Bauer and Emer Mendoza Sambo.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Marie Pacheco.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Bernadette Longo, Sherry Stofko, and Marissa Wat.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Cameron Duncan and Jesus Romero.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Squier and Victoria Squier.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Lockhart and Rufus Montgomery.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, February 27, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly