

THE THIRD DAY

CARSON CITY (Wednesday), February 8, 2023

Senate called to order at 11:14 a.m.

President Anthony presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

O Lord our God, known by many names, bless the leaders of our land in these winter days, that we may be a people at peace among ourselves and a blessing to other nations of the earth.

To all staff in administrative authority, grant wisdom and grace in the exercise of their duties.

To our Senators, here present, and those who make laws in our State, cities and towns, give courage, wisdom and foresight to provide for the needs of all our people and to fulfill our obligations in the community of nations.

Give grace to Your servants here present.

In Your Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Cannizzaro moved that, for the remainder of the 82nd Legislative Session, the reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried unanimously.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 6, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 1.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that, for the remainder of the 82nd Legislative Session, the Secretary of the Senate read all bills and resolutions by number, sponsor and summary.

Motion carried unanimously.

Senator Cannizzaro moved that, for the remainder of the 82nd Legislative Session, the Secretary of the Senate dispense with reading the histories of all bills and resolutions.

Motion carried unanimously.

Senator Cannizzaro moved that the following persons be accepted as accredited press representatives, and that they be allowed the use of appropriate media facilities: ACLU OF NEVADA: Ryan Vortisch; RENO GAZETTE JOURNAL: Jason Bean; THE NEVADA GLOBE: Megan Barth; THE NEVADA INDEPENDENT: Daniel Rothberg.

Motion carried.

By Senator Titus:

Senate Joint Resolution No. 1—Proposing to amend the Nevada Constitution to revise provisions relating to elections involving incumbent justices or judges who are unopposed.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 4 of Article 5 of the Nevada Constitution be amended to read as follows:

~~[Section]~~ Sec. 4. The returns of every election for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of state . ~~[~~ and ~~the]~~ The chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, on a day to be fixed by law, and open and canvass the election returns for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, and forthwith declare the result and publish the names of the persons elected and the results of the vote cast upon any question submitted to the electors of the State of Nevada. ~~[The]~~ *Except as otherwise provided in this section, the persons having the highest number of votes for the respective offices shall be declared elected, but in case any two or more have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of said persons to fill said office. If, in an election for a judicial office in the Supreme Court, the court of appeals or a district court, an incumbent justice or judge, as applicable, is not opposed by another candidate and the number of votes for retaining the justice or judge is greater than the number of votes against retaining the justice or judge, then the justice or judge shall be declared elected, but if the number of votes against retaining the justice or judge is greater than the number of votes for retaining the justice or judge, then no person shall be declared elected for the office and the office must be filled for the term to which the election pertains in accordance with the provisions of Section 20 of Article 6 as if the vacancy had occurred before the expiration of the term of the office.*

And be it further

RESOLVED, That Section 3 of Article 6 of the Nevada Constitution be amended to read as follows:

~~[See-]~~ Sec. 3. The justices of the Supreme Court ~~[]~~ shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; provided, that there shall be elected, at the first election under this Constitution, three justices of the Supreme Court who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four, and continue in office thereafter, two, four and six years respectively, from and including the first Monday of January next succeeding their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of office each shall fill, and the justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior justice in commission shall be Chief Justice; and in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot, who shall be Chief Justice. *If an incumbent justice seeks election to the office that he or she holds*

and is not opposed by another candidate, then the ballot for the election of that office must offer a voter only the choice to "Retain" or "Not Retain" the incumbent justice.

And be it further

RESOLVED, That Section 3A of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court must provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges of the court of appeals must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of section 20 of this Article. After the expiration of 30 days from the date on which the permanent Commission on Judicial Selection has delivered to the Governor its list of nominees for the initial judges, if the Governor has not made the appointments required by this Section, the Governor shall make no other appointment to any public office until the Governor has appointed a judge from the list submitted. The term of the initial judges is 2 years beginning on the first Monday of January next after the effective date of this Section, and an initial judge may succeed himself. *If an incumbent judge seeks election to the office that he or she holds and is not opposed by another candidate, then the ballot for the election of that office must offer a voter only the choice to "Retain" or "Not Retain" the incumbent judge.* If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term of 6 years beginning on the first Monday of January next after the election.

3. The Chief Justice of the Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years, except that the term of the initial chief judge is 2 years. The chief judge may succeed himself. The chief judge may resign the position of chief judge without resigning from the court of appeals.

4. The Supreme Court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

And be it further

RESOLVED, That Section 5 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 5. The State is hereby divided into nine judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; The County of Washoe the Fourth; The Counties of Nye and Churchill the Fifth; The County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the office. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this Section hereafter otherwise provided) one district judge, who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four and until the first Monday of January in the year eighteen hundred and sixty seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the First District as in this Section hereinafter provided.) The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting

those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; provided, that the First Judicial District shall be entitled to, and shall have three district judges, who shall possess co-extensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the judges in other judicial districts, any one of said judges may preside on the empanneling [empanneling] of grand juries and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law. *If an incumbent judge seeks election to the office that he or she holds and is not opposed by another candidate, then the ballot for the election of that office must offer a voter only the choice to "Retain" or "Not Retain" the incumbent judge.*

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Titus moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Concurrent Resolution No. 2—Authorizing additional reimbursement for travel in certain circumstances.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senator Cannizzaro.

This concurrent resolution does authorize additional reimbursement for travel in certain circumstances.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Daly:

Senate Bill No. 107—AN ACT relating to highways; requiring the Department of Transportation to establish a program to allow contractors performing certain work on a highway to purchase and obtain a permit for the use of certain law enforcement vehicles; providing a fee; and providing other matters properly relating thereto.

Senator Daly moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Senator Nguyen:

Senate Bill No. 108—AN ACT relating to alcoholic beverages; revising the definition of "special event" for the purposes of certain provisions governing brew pubs; authorizing a person who operates a brew pub to engage in certain activities concerning the transport, storage and sale of malt beverages; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nguyen:

Senate Bill No. 109—AN ACT relating to anatomical gifts; authorizing a coroner or medical examiner to release a body or part of a body that is the subject of an anatomical gift under certain circumstances; prescribing a procedure for a court to appoint a person to make an anatomical gift of part or all of a decedent's body under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Goicoechea, Buck and Stone and Assemblyman Gurr:

Senate Bill No. 110—AN ACT relating to public safety; requiring vehicles operating on certain highways in this State with one lane for traveling in each direction to display daytime running lamps or lighted lamps and illuminating devices under certain circumstances; revising certain provisions governing the requirements for lamps and other equipment on vehicles and implements of husbandry during certain times and conditions; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Senator Goicoechea and Assemblyman Gurr (by request):

Senate Bill No. 111—AN ACT relating to public works; revising certain requirements relating to prime contractors; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Goicoechea and Titus:

Senate Bill No. 112—AN ACT relating to water; revising provisions governing certain assessments on water users; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Goicoechea, Titus, Buck, Hansen, Stone and Krasner (by request):

Senate Bill No. 113—AN ACT relating to water; revising provisions relating to groundwater management plans; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Flores:

Senate Bill No. 114—AN ACT relating to the Nevada Interscholastic Activities Association; revising provisions governing the eligibility of a pupil who transfers to a charter school to participate and practice in a sanctioned sport or other interscholastic event; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Flores:

Senate Bill No. 115—AN ACT relating to counties; revising provisions relating to compensatory mitigation for losses of aquatic resources; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Daly:

Senate Bill No. 116—AN ACT relating to utilities; authorizing a gas utility to apply to the Public Utilities Commission of Nevada for approval of a gas infrastructure modernization plan; requiring a gas utility to submit an application for approval of the rates charged to recover certain gas infrastructure project expenses; establishing requirements for contracts entered into by a gas utility for the performance of a gas infrastructure project; and providing other matters properly relating thereto.

Senator Daly moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 117—AN ACT relating to health care; prohibiting a person from holding himself or herself out as a certified community health worker unless he or she holds certain certification; establishing a civil penalty for such a violation; authorizing Medicaid coverage for the services of certain community health workers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 118—AN ACT relating to public health; requiring that an account for public health improvement be created in the State General Fund; prescribing the manner in which money is allocated from the account; authorizing the creation of a health district by certain counties which are not physically adjacent; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 119—AN ACT relating to health care; providing for the continuation of a requirement that certain third-party payers cover services provided through telehealth, except for services provided through audio-only interaction, in the same amount as services provided in person or through other means; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Buck and Stone:

Senate Bill No. 120—AN ACT relating to cosmetology; revising the procedures that constitute advanced esthetic procedures; revising the definition of esthetics to include certain procedures; revising certain requirements for a curriculum for a course of study in advanced esthetics and the examination for licensure as an advanced esthetician; imposing certain requirements for the performance of an advanced esthetic procedure; removing the prohibition against the use of corrosive substances for the purposes of peeling skin; 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. 121—AN ACT relating to crimes; raising the minimum age at which a person may consent to sexual conduct; revising various provisions relating to sexual conduct involving children; 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 Buck:

Senate Bill No. 122—AN ACT relating to crimes; creating the crime of targeted residential picketing; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Buck, Krasner and Stone:

Senate Bill No. 123—AN ACT relating to unemployment compensation; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish and maintain a computerized system for the processing of claims for benefits; revising provisions relating to certain determinations made by the Administrator concerning eligibility for benefits; creating the Office of the Ombudsman for Unemployment Benefits; requiring all benefits to be paid by check; requiring the Administrator to post certain information on an Internet website; revising the base period for determining entitlement to benefits; revising provisions relating to the electronic provision of certain documents and communications; revising provisions relating to the overpayment of benefits; removing provisions authorizing the Administrator to suspend, modify, amend or waive certain requirements under certain circumstances; revising procedures and requirements concerning certain appeals; modifying certain requirements concerning benefits paid in calendar year 2022; making an appropriation; 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 Finance:

Senate Bill No. 124—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; 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.

Senator Cannizzaro moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Neal:

Senate Bill No. 125—AN ACT relating to transportation; imposing certain requirements relating to common motor carriers on a transportation network company; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Neal:

Senate Bill No. 126—AN ACT relating to economic development; revising provisions governing the NV Grow Program; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Neal:

Senate Bill No. 127—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for a heart or lung transplant for certain adults; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 32.

Bill read second time and ordered to third reading.

Senator Cannizzaro moved that the Senate adjourn until Thursday, February 9, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:35 a.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY

Secretary of the Senate