

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 15, 2023

Senate called to order at 12:10 p.m.

President Anthony presiding.

Roll called.

All present except Senator Daly.

Prayer by the Chaplain, Pastor Gavin Jarvis.

God, when we come before You, we do not only go to the one who governs and orders all things, but we go to the one who the Christian scriptures say is the source of all institutions and authority on earth. That means the Senators in this room are not only your elected representatives of our State but your chosen representatives for Nevada this year. I pray for them in this capacity that it is Your desire and will for them to serve as stewards and as leaders in Nevada.

Please, give them every tool that would help them to accomplish this task. As they continue in their meetings, committees and this floor session, I pray that You would give them clarity of purpose, clear communication with each other and wisdom on every matter that this Senate attends to this week. As the final weeks of this legislative session approach, I pray that You would grant these leaders that You have installed to pass bills that would lead to the flourishing of every resident of the State of Nevada.

Provide a united purpose for everyone in this room and grant that these Senators and the staff would be given to Your favor to do the tasks given to them with excellence. Please bless their families as they put in extra hours and, in many cases, are away from them for extended periods of time this month. May You do all this to show Your kindness and Your strength.

In Jesus' Name, I pray.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 110, 124, 223, 298, 401 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Finance, to which were referred Senate Bill No. 285; Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 206, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

FABIAN DOÑATE, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 17, 68, 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 11, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 40, 50, 441.

SUSAN FURLONG

Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 15, 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. 171.

SUSAN FURLONG

Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 237 be taken from its position on the General File and placed on the Secretary's Desk.

Remarks by Senator Cannizzaro.

This is for purposes of amendment.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 21, 78, 107 and 146 be taken from their positions on the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Assembly Joint Resolution No. 6 be taken from its position on the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 354 and 355 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Joint Resolution No. 8—Urging Congress to enact legislation requiring Medicare to cover multi-cancer early detection tests.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 497—AN ACT relating to health care; authorizing a state agency to retain money received for the costs of certain arbitrations conducted by an employee of the agency; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 498—AN ACT making appropriations to the Division of Museums and History of the Department of Tourism and Cultural Affairs for the replacement and purchase of computer hardware, software and related services, office furniture, equipment and vehicles and for deferred maintenance projects; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 2.

Bill read second time and ordered to third reading.

Assembly Bill No. 19.

Bill read second time and ordered to third reading.

Assembly Bill No. 24.

Bill read second time and ordered to third reading.

Assembly Bill No. 40.

Bill read second time and ordered to third reading.

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 47.

Bill read second time and ordered to third reading.

Assembly Bill No. 73.

Bill read second time and ordered to third reading.

Assembly Bill No. 116.

Bill read second time and ordered to third reading.

Assembly Bill No. 118.

Bill read second time and ordered to third reading.

Assembly Bill No. 131.

Bill read second time and ordered to third reading.

Assembly Bill No. 136.

Bill read second time and ordered to third reading.

Assembly Bill No. 162.

Bill read second time and ordered to third reading.

Assembly Bill No. 212.

Bill read second time and ordered to third reading.

Assembly Bill No. 215.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 354.

Bill read third time.

Remarks by Senators Harris, Hansen, Ohrenschall, Buck and Seevers Gansert.

SENATOR HARRIS:

Assembly Bill No. 354 prohibits, under certain circumstances, a person from possessing or causing a firearm to be present in or within 100 feet of an entrance to a place the person knows or reasonably should know is an election site. This prohibition does not apply to a law enforcement officer engaged in the performance of official duties; a private guard or security personnel hired by the owner of the facility or property in which the election site is located; a person who possesses the firearm while in a vehicle so long as the person does not brandish the firearm or remove the firearm from the vehicle; or a person who lawfully possesses a firearm in a place of a residence, in a business or on private property that is located within 100 feet of an entrance to an election site. A person who violates this prohibition is guilty of a gross misdemeanor except if the person knowingly possesses a firearm or causes a firearm to be present with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote, then the person is guilty of a category D felony.

Additionally, the bill prohibits a person from selling, offering to sell or transferring, and possessing, purchasing, transporting or receiving an unfinished frame or receiver, ready frame or receiver or market frame or receiver unless the recipient is a firearms dealer, importer or manufacturer or such a firearm has been imprinted with a serial number issued by a firearms dealer, importer or manufacturer in accordance with federal law and any adopted regulations.

SENATOR HANSEN:

I oppose Assembly Bill No. 354. We already have a plethora of laws dealing with people's right to vote. All this does is further cloud those issues and make potentially innocent people who are CCW [permit to carry concealed weapon] holders guilty of violating a law. As elected officials, we are not allowed to electioneer within 500 feet of an election location.

More importantly, this creates another gun-free zone. If you have done any homework at all on all these mass shootings, there is an absolute connection between gun-free zones and the selection of those targets by the individuals. I will quote the police Chief in Nashville from that horrible shooting. Police Chief John Drake said, "It was the only school that was targeted. There was another location that was mentioned by the mass shooter, but because of a threat assessment by the suspect of too much security, they decided not to." In other words, these people that are doing these horrible mass shootings are not randomly doing it. They are carefully selecting targets where they have maximum safety for themselves and minimum security to perform these terrible acts.

The second portion of the bill deals with so-called ghost guns. Look, any criminal who has any brains in their head is not going to commit a crime with a firearm they just purchased and signed

paperwork on and that has the serial numbers on it. The idea that somebody that is going to go and use a so-called ghost gun is never going to happen. Why? Because you can take a regular firearm and spend about one minute with a grinder and grind off the serial number.

Secondly, on the rare occasions when people have been tied to a weapon on a site, the weapon has, in almost all cases, been there because the individual who committed the crime was shot or killed at the location. The whole gun registration thing as far as stopping crime or protecting the public against gun violence perpetrators, does not make any sense. No common-sense thief is going to show up with a firearm that has that. No common-sense thief is going to use some second-string gun they make at home. If you are a criminal, like any person in any profession, you use the best tools available. If they are worried about the gun falling into the hands of law enforcement and then tracing it back to them, they will simply grind off the serial number.

There is an enormous black market for firearms. How often have we seen in the press a statement to the effect of another felon is caught who violated the gun laws? Well, how did that felon get the gun? He did not go down to SCHEELS or Sportsman's Warehouse to purchase it. He did it through that black market that exists. The real reason—everyone knows they are being pushed by Mayor Bloomberg—they are anxious to have these kinds of laws passed is the Bureau of Alcohol, Tobacco and Firearms, as we speak, is creating a gun registry and listing people's purchases of firearms in spite of a federal law which prohibits that.

We have seen in other nations, where they do not have the Second Amendment, they confiscate the guns from ordinary honest citizens. They do so by these sorts of gun registries. That is what the second part of the bill does. In both cases, these bills—both this one and the one we are going to hear in a minute—target, as always, innocent people who are already honest, law-abiding citizens. Therefore, I urge my colleagues to vote "no" on Assembly Bill No. 354.

SENATOR OHRENSCHALL:

I support Assembly Bill No. 354. Over in the Legislative Operations and Elections Committee, we had a lot of testimony this session about clerks and registrars who have resigned over the last couple years out of fear for their safety and for their families due to threats. We had a lot of testimony about election workers who have opted not to work elections again due to threats of intimidation, fear. I believe this bill will try to help, additionally, with some other legislation passed this session. I believe this will help create a much healthier atmosphere at our polling places so that we do not have election workers, clerks and registrars not wanting to do this important work to keep our democracy going. I urge your support.

SENATOR BUCK:

I oppose Assembly Bill No. 354. Many of you may not know but I conceal carry. I feel this law would be wrong as I have a right to protect myself. I am not intimidating anyone. In fact, many people do not even know I have my weapon on me. I think we have a right to protect ourselves as citizens of Nevada and of the United States.

SENATOR SEEVERS GANSERT:

I oppose Assembly Bill No. 354, and I want to point to one section in particular. It is section 1, subsections 6(a), (b) and (c). When you talk about the definition of an election site, it includes under (c), a ballot drop box. Ballot drop boxes can be in grocery stores and malls, which are all over. It is hard to make sure you do not have someone within 100 feet.

It was mentioned by my colleague who chairs Legislative Operations and Elections that we want to make sure we can protect clerks and people who are working at the polling sites. I want to remind everybody that when Senate Bill No. 406 came up—that was a bill to help protect clerks, observers and individuals working in election sites—we voted unanimously to support it to make sure there were severe consequences if you were trying to intimidate or threaten anyone related to an election site.

That is why I am opposed to it. It is specifically around the drop box language because it could be almost anywhere. I want to make it clear we supported Senate Bill No. 406 to make sure that clerks, observers and those around election sites were protected.

Roll call on Assembly Bill No. 354:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

EXCUSED—Daly.

Assembly Bill No. 354 having received a constitutional majority, Mr. President declared it passed.

Senator Cannizzaro moved that all necessary rules be suspended and that the bill be immediately transmitted to the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 355.

Bill read third time.

Remarks by Senators Ohrenschall, Stone, Doñate, Hansen, Titus.

SENATOR OHRENSCHALL:

Assembly Bill No. 355 provides that a person who is less than 21 years of age is prohibited from handling, having possession of or controlling any semiautomatic shotgun or a semiautomatic centerfire rifle. A person who violates this provision is guilty of a gross misdemeanor. The bill provides an exception for a person who is less than 21 years of age and who is a member, or an honorably discharged member, of the Armed Forces of the United States, the Nevada National Guard, a reserve component or a law enforcement officer.

The bill also provides the following penalties: a person who aids or knowingly permits a person who is less than 21 years of age to handle, possess or control such firearms is guilty of a misdemeanor for a first offense; a person who knows or has reason to know there is a substantial risk that a person who is less than 21 years of age will use such firearms to commit a violent act is guilty of a category C felony for a first offense; a person who commits a second or subsequent offense of either crime is guilty of a category B felony with a prison term of not less than one year and not more than six years and a fine of not more than \$5,000.

A person does not violate these provisions if the firearm was stored in a securely locked container or at a secure location or was obtained because of an unlawful entry or the injury or death resulted from an accident related to target shooting, sport shooting or hunting.

Additionally, unless a greater penalty is provided by law, a person is guilty of a misdemeanor if the person negligently stores or leaves such firearms at a location under his or her control and knows or has reason to know that a person who is less than 21 years of age who is prohibited from handling, possessing or controlling a firearm may obtain such a firearm.

The bill clarifies that a child who is 14 years of age or older who has in his or her possession a valid license to hunt or is at his or her residence may not handle, possess or control a semiautomatic shotgun or semiautomatic centerfire rifle. Lastly, the bill requires that any rifle or shotgun which a child 14 years of age is otherwise entitled to handle, possess or control at his or her residence is to remain unloaded and stored in a securely locked container when not in use.

SENATOR STONE:

I oppose Assembly Bill No. 355. Assembly Bill No. 355 is a copy of a California law that was recently overturned by the Ninth Circuit Court of Appeals in May of 2022. As most of you know, the Ninth Circuit Court of Appeals has never been considered a federal court with a conservative bent but rather a moderate to liberal bent.

While we will all agree on the majority of the bills that we will collectively hear on this floor this session, there will be some bills that we will remain deeply divided on, and that is okay. That is how democracy works. While there may be some constitutional rights that any of us can disagree with personally, I must remind all of us we took an oath of office to support and defend the constitutions of Nevada and the United States, including our Second Amendment rights, especially those that have been codified by the federal courts as constitutional or, in this case, found unconstitutional.

If one looks at other states, or cities for that matter, that have adopted vast gun control laws, such as Chicago, New Orleans and New York City, they have not prevented escalating gun violence. One hundred and seventy victims have been killed by gun violence so far in Chicago this year with just five months into the new year. The senseless loss of life is horrific. Instead of defunding police like they did in Chicago, they should invest more in public safety to minimize these heinous crimes. You see, criminals do not follow the gun laws that law-abiding citizens must abide by. Adding more needless laws that are not even constitutional, like this one, will not stop the surge of gun violence that we all find horrible.

You may ask, "Why do we have such an increase in gun crimes?" I believe it is due to the lack of mental health services for our youth nationwide. We can and should better fund youth mental health services. And of course the intense peer pressure that exists on social media has a deleterious effect on our youth, including depression, anger, suicide and, yes, homicide. And of course, those municipalities that have reduced public safety investments.

As a solid constitutionalist, I support our Second Amendment rights, even when it may not be politically expedient to do so. It should not be a crime for a parent to teach a teen how to safely use a semiautomatic weapon for target practice or for hunting, for that matter. If an 18-year-old can serve in the military and put his or her life on the line to protect our Second Amendment rights, they should be allowed also to possess and purchase such weapons. I know that if this bill is passed, if it becomes law, it will be litigated, and based on consistency with court decisions, it will be a waste of taxpayer money because we will lose that lawsuit. For those reasons, I urge a "no" vote on Assembly Bill No. 355.

SENATOR DOÑATE:

I support Assembly Bill No. 355, which raises the age to purchase a semiautomatic shotgun or rifle from the age of 18 to 21. Let me start off my remarks by mentioning that the issue of gun violence is a public health crisis. Gun violence is the leading cause of premature deaths in the United States. We have known about this statistic for many years, yet we have refused to act as the rates keep rising. Throughout this session, we have had conversations as to what we can do to prevent the occurrences we are seeing across the country. Throughout this time, since we started in February, we have seen cases of mass shootings in this country, and I, for one, believe we have reached a moment in our nation where our reflection must come with a direct action.

Every single time an event like this occurs, either nationally or here at home, we always mourn together, and we think to ourselves, "What can we do better? Where did we go wrong?" Yet, when we have a policy right in front of us with the ability to control the narrative and set forth common-sense policies, here it is. This is a potential deterrent we have for gun violence injuries in our State.

We can have conversations as to what our policy discussions have been. I will take an easy comparative one. When we raised the age of purchasing certain items—for instance, when we raised the drinking age back in the '80s—the United States Department of Transportation determined that by raising the age of purchasing certain items, we were able to use a policy framework for deterrence that had a direct effect on reducing accidents among the youth and also consumption. What we know now is a level of deterrence, and in this case, raising the age of being able to purchase an item whether enacted by policy or not, can have an influence on the improvement of injury prevention.

As part of the research that I gathered, I have with me a printed article, "Police: Teen arrested for having assault weapon in South Lake Tahoe." In April 2019, a 19-year-old teen was arrested for holding an assault weapon while riding in a Mercedes in South Lake Tahoe right across from state lines. The teen, who was originally from Dayton, Nevada, was taken into custody, and when police interviewed him, he mentioned that he had the assault weapon in his vehicle so that he could Snapchat himself with it while music was playing in the background.

Key point, he was arrested across state lines, but if he was just a few feet away, nothing in this State would have prevented him from being held accountable for his actions. Assault weapons are not toys. They are not some cool gadget that you can film on TikTok or Instagram with music playing in the background to send to your friends. They are weapons specifically designed to cause mass casualties, and they deserve to be kept out of the hands of those who are not yet mature enough to understand the severity of their actions. It is time that we treat this issue with the severity

that it is. Gun violence is a public health issue, and I encourage my colleagues to vote "yes" on this bill.

SENATOR HANSEN:

I oppose Assembly Bill No. 355. However, I am going to reserve most of my comments for when we go to Order of Business 16. I want to say ditto to my colleague from Senate District 20, but he left out one interesting point. That is, we just had another ruling by a federal judge in Virginia, "A U.S. judge's ruling striking down a federal law that bans licensed federal firearms dealers from selling handguns to young adults under 21 is the latest example of how a landmark Supreme Court decision is transforming the legal landscape around firearms." In other words, we have another federal judge relying, in this case, on a June 2022 United States Supreme Court decision that says American citizens 18, 19 and 20 years old have a Second Amendment right just like all the rest of us.

I will deal with some of the other comments from our Senator from District 10 under Order of Business 16. Yes, there are many interesting things about deterrence, and we will cover that in detail at that time.

In the meantime, though, as far as Assembly Bill No. 355 goes, I urge my colleagues to support the constitutional right of the same age as, by the way, they can go in the military. It is interesting, too, that in this body, we have voted to allow minors to have major medical decisions, abortion decisions, with an unlimited lower end. You can be 10 years old and make these kinds of decisions. Yet, here we have 18, 19 and 20 year olds who we are going to deny a fundamental constitutional right. I urge my colleagues to think carefully about this. This is blatantly unconstitutional as well as being offensive to all the young people in the State of Nevada, treating them like they are little kids, they cannot use firearms with any degree of common sense.

SENATOR TITUS:

I oppose this bill. Assembly Bill No. 355 may have been brought forward with good intentions, and I hear passionate speeches from my colleagues about assault weapons and the deaths that have occurred. They are failing to recognize what these weapons are. I would say that the majority of the body do not know the difference between a rimfire or centerfire and what that even means. They are throwing in semiautomatic shotguns and semiautomatic rifles into the same category as assault weapons, which is not the truth.

My family in rural Nevada has been raised with a tradition of hunting. We like to take our kids out and practice. We have a high school club that shoots clay pigeons. For folks who do not know what that means, it is a little disc that we throw out on our river property, and we practice shooting those things. They are water soluble, so they do not destroy the environment. It is a sense of learning, and it is a sense of fun.

Those of you that see me know I am not a very big person. I do not use a 12-gauge shotgun that I have to pump on my own because it will kick me over. I use a 20-gauge. I use a 20-gauge semiautomatic because the energy of firing that shell will put the next shell in for me. I have my granddaughters, who are 14 and 8, shoot that. We have a good time with it.

Bills like this have unintended consequences. I understand the concern about these mass shootings, but section 1 talks about anybody less than 21 years old shall not handle or have in their position at any time a semiautomatic shotgun. My family breaks that rule all the time, but they do it under our observation for good learning in the future. We are hunters. You should all, at any time, if you want to know the difference in these weapons, come down to my property. I will bring my granddaughters down and show you how safe this can be and the unintended consequences on family traditions. I agree with the concern about assault weapons, and maybe we should work on the mental health of that. I urge this body to recognize, like so many times, the unintended consequences if this bill is passed. Please vote "no" on Assembly Bill No. 355.

Roll call on Assembly Bill No. 355:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

EXCUSED—Daly.

Assembly Bill No. 355 having received a constitutional majority, Mr. President declared it passed.

Senator Cannizzaro moved that all necessary rules be suspended and that the bill be immediately transmitted to the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 159.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 159, as amended, requires the Director of the State Department of Agriculture to adopt regulations consistent with applicable federal law and industry best practices to authorize a person to train as an applicator to engage in pest control activities for a period of not less than 90 days without holding a license as an applicator. Such regulations are required to allow an applicator trainee to apply general-use pesticides under the direct supervision of a person who is licensed as an applicator and restricted-use pesticides under the immediate supervision of persons who are licensed as an applicator and that the supervising applicator or pest control business that employs an applicator trainee is responsible and liable for all actions of the applicator trainee.

Roll call on Senate Bill No. 159:

YEAS—21.

NAYS—None.

Senate Bill No. 159 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167.

Bill read third time.

Remarks by Senators Dondero Loop and Stone.

SENATOR DONDERO LOOP:

Senate Bill No. 167, as amended, prohibits private insurers, voluntary purchasing groups, insurance plans for state, local and private employees and the Nevada Medicaid Program from imposing a step therapy protocol for a drug that is approved by the United States Food and Drug Administration or that medical or scientific evidence establishes may be used to treat a psychiatric condition if a practitioner who meets certain requirements prescribed the drug and that practitioner reasonably expects each drug that is required to be dispensed according to the step therapy protocol to be ineffective.

Senate Bill No. 167, as amended, authorizes the Commissioner of Insurance to suspend or revoke the certificate of authority of a health maintenance organization that fails to comply with the applicable requirements of this bill as well as take such action against other health insurers who fail to comply with the applicable requirements of this bill.

SENATOR STONE:

I support Senate Bill No. 167. When you are dealing with psychiatric patients, you are dealing with people that are in crisis. Choosing the right medication can get them back on track or stabilize rather fast. We should not have the insurance companies dictating the health care of these patients. Doctors should be doing that. That is why I support this legislation. I urge a "yes" vote.

Roll call on Senate Bill No. 167:

YEAS—21.

NAYS—None.

Senate Bill No. 167 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 275.

Bill read third time.

Remarks by Senators Daly, Stone and Ohrenschall.

SENATOR DALY:

Senate Bill No. 275, as amended, establishes the methodology to calculate the maximum annual rent increase percentage available for a manufactured home park and requires the Housing Division of the Department of Business and Industry to annually calculate and publish on an internet website maintained by the Division the maximum annual rent increase percentage allowable in manufactured home parks for that fiscal year. This bill also requires the Division to issue a press release containing the maximum annual rent increase percentage for that fiscal year and maintain on the internet website for at least two years information relating to each maximum annual rent increase percentage.

Additionally, Senate Bill No. 275, as amended, prohibits a landlord or his or her agent or employee from increasing rent for a tenancy that is from month to month and not a long-term lease unless the amount of the increase does not exceed the maximum annual rent increase percentage calculated by the Housing Division plus the amount of pass-through expenses actually incurred by the landlord of the manufactured park.

As amended, this bill also requires the Housing Division to adopt regulations establishing a process by which a landlord or their agent or employee can apply to the Division for an exemption from this limit on the maximum annual rent increase if the operating costs of the manufactured home park would exceed the amount the park would earn in rent if the maximum annual rent increase was applied.

Senate Bill No. 275, as amended, is effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act including the Housing Division's determination of the maximum annual rent and on July 1, 2023, for all other purposes.

SENATOR STONE:

I oppose Senate Bill No. 275. I appreciate the author's attempt to ensure that those people who live in mobile home parks in Nevada have space rents that remain affordable. Before one buys a mobile home or brings a mobile home into a space rental park, they negotiate a lease which may include lease options. These are legal contracts in the State of Nevada. Why are we intervening? Individuals are not compelled to sign such leases. They are voluntary.

This bill seeks to cap space rentals at 60 percent of the Consumer Price Index, which is already troubling. Why would we limit any industry to recover at least their higher inflationary costs? Vendors working at these parks are not capped at 60 percent for their expenses when billing the park owners for the repairs, not limited to, but including, infrastructure upgrades, which can be expensive in our many aging parks. The County Assessor is certainly not going to cap the property taxes that the park owners must pay. Without control of incessant federal spending being vigorously debated in Congress today, inflation will continue to be an economic thorn affecting all industries and all of us.

Many residents of parks, especially senior parks, may want to see modernization of their clubhouses, which are very popular in these parks. They may even agree to a higher assessment to see such improvements come to fruition. If this bill passes, there will be no incentive for a park owner to do such improvements without knowing for sure that they may get back a return on their investment.

Why does it seem that the rental market is such a target by this Legislature this session? One of our colleagues has a plumbing business and another a heating, ventilation and air conditioning business. Will they be targeted next session to not receive their true costs and cap their profitability by a random percent? Will attorneys that charge professional fees in the hundreds of dollars an

hour be your next target? Will grocery stores selling food that is costing them more money and hurting many seniors be your next target? What about restaurants and the higher food prices they must charge due to higher wholesale prices they pay? Will they be your next target?

My point is that we should not cap the return on investment that any industry seeks in response to economic issues they have very little control over. This is what socialistic countries do. In capitalistic societies, industries compete for their business. Competition is good and keeps prices fair and competitive with respect to the marketplace. To target one industry that has made significant investments in Nevada that also must comply with the complex regulatory laws pertaining to them should be entitled to get a return on their investment as the market dictates, not as the Legislature deems fit. This bill will set a dangerous precedent as it may decrease real estate investments in Nevada, discourage the development of future mobile home parks, stifle investment in existing parks and hurt the value of privately owned mobile homes in existing parks that will be directly affected by the resultant lower cap rates hurting many of our seniors.

Government control of rent has failed in just about every community that has enacted them. Just look at San Francisco as an example. This bill, if passed into law, will reduce large future investments in Nevada, decreasing the housing stock that we desperately need to competitively lower rents. For these reasons, I urge you to vote "no."

SENATOR OHRENSCHALL:

I support Senate Bill No. 275. I often go door to door in the mobile home parks and manufactured home communities in Senate District 21. I meet seniors on fixed incomes who spent their life savings to buy a manufactured home, to buy a piece of the American dream and become homeowners. Often, they tell me stories of rents rising much higher than they had ever expected and putting them in situations where they have to decide between grocery bills and medicine versus the space rent. Certainly, there is not equal bargaining power for folks who live in manufactured home communities. To try to move the unit can often cost \$5,000 to \$10,000 or more if it is in good enough shape to be moved. You have a lot of folks there who cannot move and cannot try to walk away, or they will have lost everything they put into that home. I urge its passage. This will help a lot of people stay in their homes and not become homeless.

Roll call on Senate Bill No. 275:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 275 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 452.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 452 requires that the portion of the Governmental Services Tax that is currently deposited in the State General Fund instead be deposited in the State Highway Fund on a permanent basis beginning in Fiscal Year 2024. This would redirect 100 percent of that Governmental Services Tax to the Highway Fund.

Roll call on Senate Bill No. 452:

YEAS—21.

NAYS—None.

Senate Bill No. 452 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 27.

Bill read third time.

Remarks by Senator Buck.

Assembly Bill No. 27 requires a general building contractor who provides management and counseling services on a construction project for a professional fee to have an active license in the same classifications or subclassifications that are required to be held by the prime contractor on the construction project.

Roll call on Assembly Bill No. 27:

YEAS—17.

NAYS—Goicoechea, Hansen, Krasner, Titus—4.

Assembly Bill No. 27 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 29.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 29 provides that the making or the causing to be made of a false or misleading statement or representation or the omission of a material fact by a licensee who is a natural person, an owner of a licensee, a managing officer of a licensee or any person who qualifies on behalf of a licensee in connection with the application of another person for a contractor's license for the purpose of assisting the applicant to obtain a license constitutes cause for disciplinary action against a licensee by the State Contractors' Board.

Roll call on Assembly Bill No. 29:

YEAS—21.

NAYS—None.

Assembly Bill No. 29 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 236 eliminates an exception from the prohibition of a person representing himself or herself as a psychologist without a license issued by the Board of Psychological Examiners for psychological scientists employed by certain educational institutions or public agencies, thereby prohibiting a psychological scientist from representing himself or herself as a psychologist without a license issued by the Board.

The bill specifies that the provisions governing psychologists do not prevent the teaching of psychology or psychological research that does not involve the delivery or supervision of direct psychological services to a person when conducted at an accredited educational institution. Additionally, the bill authorizes certain persons to use the title "psychologist" in conjunction with teaching or psychological research only when those activities are conducted at an accredited educational institution.

Roll call on Assembly Bill No. 236:

YEAS—21.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 276.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 276 clarifies that the term "telehealth" includes communication between a provider of health care who is providing in-person services to a patient and another provider of health care at a different location. The measure also authorizes a provider of health care who is conducting a forensic medical examination of an apparent victim of sexual assault or strangulation to use telehealth to connect to an appropriately trained physician, physician assistant or registered nurse for the purpose of obtaining instructions and guidance on conducting the examination.

Roll call on Assembly Bill No. 276:

YEAS—21.

NAYS—None.

Assembly Bill No. 276 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 171; Assembly Bills Nos. 354 and 355; Senate Resolutions Nos. 4, 5 and 6; Senate Joint Resolutions Nos. 5 and 7; and Senate Concurrent Resolution No. 4.

REMARKS FROM THE FLOOR

Senator Hansen requested that the following remarks be entered in the Journal.

SENATOR HANSEN:

I have a special guest with me. Feikar Mohamad is participating in the Young Southeast Asian Leaders Initiative (YSEALI) Professional Fellows Program, a program of the United States Department of State with funding provided by the United States government and supported in its implementation by American Councils for International Education. The YSEALI Professional Fellows Program offers leadership and professional development opportunities to emerging leaders ages 25 to 35. It gives them the opportunity to spend five weeks in the United States, including four weeks working directly with American counterparts in individually tailored work placements with relevant private and/or public sector organizations. In this case, Feikar is visiting us from Indonesia and is being hosted by the Nevada Department of Conservation and Natural Resources' Division of Forestry. He was introduced to me this morning by Director Settelmeyer.

Feikar is currently working as a Land Manager Officer in the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of Indonesia, specifically in the Office of Gorontalo Province. As the Land Manager, he is responsible for managing the implementation of several national strategic land management programs of the country in Gorontalo such as the land redistribution program and systemic land titling program. Gorontalo is one of the youngest provinces in Indonesia with one of the highest poverty rates, and these two programs play a critical role in helping improve the social economic condition of the community by redistributing land to small farmers and enterprises as well as providing a secure capital investment through land certification.

Please join me in giving Feikar Mohamad a warm Nevada welcome.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Karrina Ferris, first responders and the Nevada Police Union.

On request of Senator Hansen, the privilege of the floor of the Senate Chamber for this day was extended to Feikar Mohamad.

On request of Senator Krasner, the privilege of the floor of the Senate Chamber for this day was extended to Emma Baxter, Aurora Evans, Sonja Hess, Thomas Pickett and Hugh Gallagher Elementary School.

On request of Senator Ohrenschall, the privilege of the floor of the Senate Chamber for this day was extended to Jessica Roe.

On request of Senator Pazina, the privilege of the floor of the Senate Chamber for this day was extended to Emily Suttmeier, Jennifer Suttmeier and Robert Suttmeier.

On request of Senator Stone, the privilege of the floor of the Senate Chamber for this day was extended to Christian Giller.

REMARKS FROM THE FLOOR

Senator Hansen requested that the following remarks be entered in the Journal.

SENATOR HANSEN:

I want to revisit the gun issue. We had several bills that never got a hearing. I want to start off with pointing out that one of the groups that wanted to speak at these hearings was the Shot Show. They bring 60,000 visitors to Clark County, an estimated \$200 million impact. They are the [fourth] largest convention in Nevada. They brought in over 2,500 exhibiting businesses. Even if you are not a strong supporter of the Second Amendment, I would think just from an economic standpoint that we should be careful about spitting in the face of these giant businesses that come here. By the way, they have made it very clear that if we pass these bills and they become law, they will not come to the State of Nevada anymore.

Another issue that has been brought up is that the United States is the most dangerous nation on earth when it comes to gun deaths. Actually, we are number 32 in the world. Ahead of us are El Salvador, Venezuela, Guatemala, Colombia, Honduras, Brazil, Mexico, the Dominican Republic, Panama, Jamaica, Haiti, Philippines, Paraguay, Costa Rica, Iraq, Ecuador, Somalia, Palestine and South Africa. That is not a complete list. The idea that somehow because of our Second Amendment we are some sort of crazy gun zone where everybody is shooting everybody, we do not even make the top ten.

The question of deterrence was brought up by my colleague from Senate District 10. As a reminder, in the United States from 1994 to 2004, we had a semiautomatic weapons ban. All the guns we have been talking about, the AR-15 and so forth. Guess what? You could not buy one for over a decade. You know why that law was allowed to sunset? Because it did nothing. You saw no decrease in crime or gun violence in the United States even though we, once again, disarmed the law-abiding, honest citizens. The word "assault weapons," everybody likes to throw that word around. The whipping boy right now especially is the AR-15. Just so everybody knows, there are now an estimated 25 million AR-15s in the United States, 25 million. They have been the fifth most popular firearm since the ban was lifted.

I own an AR-15. Why did I buy an AR-15? Many of you know, my youngest son is a Navy SEAL, and I asked him what gun I should buy. If you know anything about Navy SEAL, they know a lot about weapons. My son suggested that I get an AR-15, and it is a semiautomatic weapon.

Everybody in this room is surrounded by semiautomatic weapons. Our law enforcement community, including the game warden that was sitting in front of me, is armed with a semiautomatic weapon. In fact, he had 60 additional rounds, too, yet nobody in this room has suggested that we take away firearms from our law enforcement, which every single one of them are semiautomatic weapons. Why don't we do that? If we were a gun-free zone, would we not feel safer? The theory is that firearms are somehow the cause of violence in American society. If you really believe that, then the first thing we should do as a legislative body is disarm our own law enforcement community right in front of us and make sure that nobody sitting in this room has a CCW [permit to carry concealed weapon].

Here are the stats that everybody needs to listen to, and that is there are now 450 million firearms in the United States. The number has gone from 270 million the year I was elected in 2010 to today we are at 450 million. It is going up every year by the rate of about 15 million a year. If firearms in and of themselves cause violence, we should have seen this massive spike in gun violence in the United States. But what do we see? We see the exact opposite. Why? Because not only do guns act as a deterrent to crime but also because of the expansion of the entire CCW program, including here in Nevada, we have seen a big drop off. Remember when CCWs were first discussed and considered seriously? It was the law enforcement community that were aggressive in saying, "No, we do not want to have people doing that." Who are the biggest champions of the CCW program now? It is law enforcement. Why? Because they have seen a big drop in crime across the United States.

We talk about a public health crisis. We talk about gun violence as if the guns in and of themselves are the cause of all these deaths. We do not talk about auto violence. We do not talk about knife violence or blunt instrument violence. There are many times more deaths from those three instruments than from AR-15s in the United States.

If we really truly wanted to have a major crackdown on gun-related deaths in the United States, we need to look at a few things. One, there has been a huge drop off in the United States in the last 25 years. The number one place where you still see major problems with firearms are gangs, inner city gangs, and even then, there has been a drop off. To pad the statistics—normally, when you think of youths, children, you think of 18 and under or 17 and under—they have been counting 18-year-olds, 19-year-olds and 20-year-olds in the so-called children-death category in the United States. Again, they are padding stats completely.

Last but not least, the most important reason we should have rejected these gun bills is we love our Constitution. We love the fact that you have a constitutional right, "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." That has been determined by the United States Supreme Court to be an individual constitutional right.

We had some brilliant discussions in the Senate Judiciary Committee on making sure we did not infringe in any way, shape or form on our Fourth Amendment protection against unreasonable searches and seizures by the government. We were right to do that, and we are wrong to now not do the same, exact level of scrutiny when it comes to our Second Amendment rights. Those are constitutionally protected. I do not know about you, but when it comes to the Bill of Rights and the Constitution, to me they are sacred things. We do not want to tamper with those without some exceptionally good reasons. Our United States Supreme Court made it clear those are now individual rights every bit as much as the right to religion or any of the great rights that are listed out in the Bill of Rights.

Please, when we go forward with these things—I am hoping that we will see a veto—we should all be supporting the United States Supreme Court and its decisions on our individual constitutional rights as defined in the Bill of Rights. Thank you for allowing me this indulgence. I think we need to pay close attention to these potential infringements on constitutional rights. In the future, when these gun bills come up, please give consideration to the long-term data that clearly show firearm ownership in the United States has resulted in declines in crime and gun deaths.

Senator Cannizzaro moved that the Senate adjourn until Thursday, May 18, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:46 p.m.

Approved:

STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate