

**THE SIXTH DAY**

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CARSON CITY (Wednesday) August 5, 2020

Senate called to order at 10:28 a.m.

President pro Tempore Denis presiding.

Roll called.

All present.

Prayer by Senator Scott Hammond.

Our Heavenly Father, as we begin this day, we hope to remember all of those whom we continue to work for. As we wrap up the 32nd Special Session, we are thoughtful and mindful of those whom we have the duty to work as hard as we possibly can to make things right for them in this State. We ask that Thy care and protection be upon us and our thoughts that will propel us to do things right come easily and quickly to our minds.

In the Name of Jesus Christ,

AMEN.

Pledge of Allegiance to the Flag.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 4.

Bill read third time.

The following amendment was proposed by the Senate Majority Leader:

Amendment No. 6.

SUMMARY—Revises provisions relating to public health. (BDR 40-16)

AN ACT relating to public health; providing certain powers and duties in certain circumstances to a district health department in certain larger counties relating to public health in licensed gaming establishments; requiring the Department of Health and Human Services to establish minimum standards for cleaning in public accommodation facilities in certain counties; requiring the Department to adopt regulations requiring such a facility to adopt protocols and plans concerning the prevention of and response to SARS-CoV-2; providing for inspection of such facilities for compliance with such requirements; limiting the civil liability of certain businesses conducted for profit, governmental entities and private nonprofit organizations for personal injury or death resulting from exposure to COVID-19; authorizing the Secretary of State to suspend the state business license of a person that does not comply with certain health standards related to COVID-19; requiring the transfer of certain money to certain health districts for enforcement purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates a health district in a county whose population is 700,000 or more (currently only Clark County); and (2) authorizes the board

of county commissioners and the governing bodies of any towns or cities in a smaller county to create a health district. (NRS 439.361, 439.362, 439.370) Existing law provides for the creation of a district health department in a health district. (NRS 439.362, 439.370) Sections 1 and 2 of this bill: (1) require a district health department in a county whose population is 100,000 or more (currently Clark and Washoe Counties), upon the request of the Nevada Gaming Control Board, to advise the Board concerning public health matters relating to licensed gaming establishments in the health district; and (2) authorize such a district health department, upon the request of the Board, to enforce regulations adopted by the Board concerning matters of public health against such an establishment.

Sections 3-15 of this bill generally: (1) require the Director of the Department of Health and Human Services and district boards of health in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt by regulation requirements to reduce and prevent the transmission of SARS-CoV-2 in public accommodation facilities in those counties which apply only during the duration of a declaration of a public health emergency due to SARS-CoV-2 and during other periods in which conditions concerning the prevalence of SARS-CoV-2 exist; and (2) provide for the enforcement of those regulations.

Section 11 of this bill requires the Director to adopt regulations requiring a public accommodation facility to establish standards for the cleaning of public accommodation facilities that are designed to reduce the transmission of SARS-CoV-2. Section 12 of this bill requires the Director to adopt regulations requiring each public accommodation facility to establish protocols to: (1) limit the transmission of SARS-CoV-2; and (2) train staff concerning the prevention and mitigation of SARS-CoV-2 transmission.

Section 13 of this bill requires the Director to adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan that provides testing and time off for employees who have been exposed to SARS-CoV-2 or are experiencing the symptoms of COVID-19. Section 13 authorizes: (1) the Nevada Gaming Control Board to require a public accommodation facility under its jurisdiction to submit a copy of its written SARS-CoV-2 response plan to the Board; and (2) the health authority to require a public accommodation facility that is not under the jurisdiction of the Board to submit a copy of its written SARS-CoV-2 response plan to the health authority. Sections 13, 32 and 33 of this bill provide for the confidentiality of those plans. Section 14 of this bill requires the Director to adopt regulations prohibiting a public accommodation facility from retaliating against an employee for participating in proceedings related to sections 3-15 or seeking enforcement of those provisions.

Section 31 of this bill exempts the regulations that the Director is required to adopt in sections 11-14 from the requirements of the Nevada Administrative Procedure Act concerning the adoption, amendment or repeal of regulations. However, section 10 of this bill requires the Director to allow any interested

person to comment on the adoption, amendment or repeal of those regulations. Section 10 also prohibits the Director from adopting regulations more stringent than necessary to carry out the requirements of this bill. Section 15 of this bill requires a district board of health of a health district in a county whose population is 100,000 or more to adopt ~~[, amend or repeal]~~ regulations that are substantively identical to the regulations adopted ~~[, amended or repealed]~~ by the Director in sections 11-14 ~~[,] and to subsequently amend or repeal its regulations in a conforming manner.~~ Section 14 provides for the enforcement by the health authority and the Nevada Gaming Control Board of the regulations adopted pursuant to and other provisions of sections 11-15. Sections 16-22 of this bill make conforming changes.

Section 29 of this bill provides that certain businesses conducted for profit, governmental entities and private nonprofit organizations are immune from civil liability for personal injury or death resulting from exposure to COVID-19, if the business, governmental entity or private nonprofit organization substantially complied with controlling health standards. Section 29 also: (1) requires the complaint in any such civil action to be pled with particularity; and (2) provides that such immunity does not apply if the business, governmental entity or private nonprofit organization violated controlling health standards with gross negligence and the gross negligence was the proximate cause of the personal injury or death. Section 29 requires the court, as a matter of law, to determine substantial compliance with controlling health standards. Section 34 of this bill provides that these procedures apply to any cause of action or claim that accrues before, on or after the effective date of this bill and before the later of: (1) the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or (2) July 1, 2023.

Section 30 of this bill authorizes the Secretary of State to suspend the state business license of a person holding a state business license who does not comply with controlling health standards. Section 30 requires the Secretary of State to provide notice of the suspension to the person. Section 39 of this bill provides that the authority to suspend a state business license expires by limitation on the later of the following dates: (1) the date on which the Governor terminates the emergency described in the Declaration of Emergency issued on March 12, 2020; or (2) July 1, 2023.

Section 35 of this bill transfers certain money to the applicable health districts to enforce sections 3-15 and the regulations adopted pursuant thereto. Section 36 of this bill requires the Director and applicable district boards of health to adopt the regulations required by sections 11-15 by a prescribed date.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.366 is hereby amended to read as follows:

439.366 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district.

3. *The district health department:*

(a) *Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

(b) *May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

4. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) Provide for the sanitary protection of water and food supplies;

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district; and

(e) Improve the quality of health care services for members of minority groups and medically underserved populations.

~~{4-}~~ 5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

~~{5-}~~ 6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

~~{6-}~~ 7. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

Sec. 2. NRS 439.410 is hereby amended to read as follows:

439.410 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of chapter 450B of NRS.

3. *The district health department in a county whose population is 100,000 or more but less than 700,000:*

*(a) Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

*(b) May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

4. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) Provide for the sanitary protection of water and food supplies; and

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district.

~~{4-}~~ 5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.

(b) State each address at which the text of the proposal may be inspected and copied.

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the district board for such purpose.

~~{5-}~~ 6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action

to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board may proceed immediately to act upon any written submissions. The district board shall consider fully all written and oral submissions respecting the proposal.

~~{6-}~~ 7. Each district board of health shall file a copy of all of its adopted regulations with the county clerk of each county in which it has jurisdiction.

Sec. 3. Chapter 447 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 15, inclusive, of this act.

Sec. 4. 1. *The provisions of sections 4 to 15, inclusive, of this act apply to a county whose population is 100,000 or more.*

2. *The regulations adopted pursuant to sections 11 to 15, inclusive, of this act and, except as otherwise provided in subsection 3, the powers, requirements and prohibitions set forth in provisions of sections 4 to 15, inclusive, of this act apply:*

*(a) During any period in which a public health emergency due to SARS-CoV-2 has been declared by the Governor and remains in effect; or*

*(b) Each day on which:*

*(1) The rate of positive test results for SARS-CoV-2 in the county reported by the Division of Public and Behavioral Health of the Department exceeds 5 percent in any rolling 14-day period in the 90-day period immediately preceding that day; or*

*(2) The number of new COVID-19 cases in the county reported by the Division of Public and Behavioral Health of the Department exceeds 100 new cases per 100,000 residents in any rolling 14-day period in the 90-day period immediately preceding that day.*

3. *The provisions of subsection 2 do not apply to the requirements relating to the adoption, amendment or repeal of regulations pursuant to sections 11 to 15, inclusive, of this act.*

Sec. 5. *As used in sections 4 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Director" means the Director of the Department of Health and Human Services.*

Sec. 7. *"Employee" means any natural person in the service of an employer operating a public accommodation facility who provides such service under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.*

Sec. 8. *"Health authority" means the officers and agents of the district health department or, in a location that is not part of a health district, the officers and agents of the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 9. *"Public accommodation facility" or "facility" means a hotel and casino, resort, hotel, motel, hostel, bed and breakfast facility or other facility*

*offering rooms or areas to the public for monetary compensation or other financial consideration on an hourly, daily or weekly basis.*

*Sec. 10. 1. Any regulation adopted, amended or repealed by the Director pursuant to sections 11 to 14, inclusive, of this act must not exceed or be inconsistent with the requirements of those sections.*

*2. The Director must allow any interested person a reasonable opportunity to submit written or oral comment concerning the amendment or repeal of a regulation pursuant to sections 11 to 14, inclusive, of this act.*

*Sec. 11. 1. The Director shall adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. Those standards must require only the following and with no greater frequency than provided in this section:*

*(a) The use of cleaning products that are qualified by the United States Environmental Protection Agency for use against SARS-CoV-2 for the cleaning required by paragraphs (b) to (p), inclusive.*

*(b) Desks, tabletops, minibars that have been used after the most recent cleaning, interior and exterior handles of doors, faucets, toilets, nonporous headboards of beds, light switches, remote controls, telephones, keyboards, touch screens, bed linens, towels, bed scarves and other decorative items on beds in guest rooms to be cleaned every day that the room is in use unless the guest using the room declines in-room housekeeping.*

*(c) The following high-contact areas and items in locations used by the public and employees to be cleaned regularly throughout the day while in use:*

*(1) Fixtures with which guests and employees may be expected to have regular physical contact;*

*(2) Doors and door handles at exterior entrances;*

*(3) Door handles at interior entrances regularly accessed by guests and employees;*

*(4) Regularly used computer keyboards, touch screens, credit card readers, printers, telephones, light switches, ice machines, vending machines and other frequently used instruments and equipment; and*

*(5) Countertops and desks in entrance areas and other high-usage areas.*

*(d) Glass surfaces, desks, tabletops, door handles and light switches in public areas to be cleaned regularly throughout the day while in use.*

*(e) Counters, desks, touch screens, keyboards, credit card readers and desktops in front desk areas to be cleaned regularly throughout the day while in use.*

*(f) Key cards and other types of keys for accessing rooms to be cleaned before those key cards or other keys are issued to another guest or removed from circulation for at least 24 hours after a guest checks out.*

*(g) Elevator buttons and rails in guest and service elevators to be cleaned regularly throughout the day if the elevator is in use.*

*(h) Sinks, faucets, walls, toilets, toilet paper dispensers and door handles in employee and public restrooms to be cleaned regularly throughout the day while in use.*

(i) *Work surfaces, tables, utensils, counters, touch screens and keyboards in areas used for food preparation to be cleaned regularly throughout the day.*

(j) *Tables, desks, tabletops, door handles and light switches in shared offices, employee locker rooms and employee cafeterias to be cleaned regularly throughout the day while in use.*

(k) *Exercise equipment, weights, tables, countertops, chairs, lockers and benches in fitness centers to be cleaned regularly throughout the day while in use.*

(l) *Tabletops in meeting rooms to be cleaned while in use.*

(m) *Tables, bartops, menus and check presentation holders in bar and dining facilities to be cleaned after use by a guest.*

(n) *Touch screens and keyboards in bar and dining facilities to be cleaned regularly while in use.*

(o) *Soiled laundry to be cleaned as necessary.*

(p) *Laundry carts and hampers to be cleaned regularly throughout the day while in use.*

2. *A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.*

3. *An employer operating a public accommodation facility shall conspicuously post at each employee entrance and on each bulletin board where the facility regularly posts official communications with employees:*

(a) *A one-page summary of the standards adopted pursuant to subsection 1; and*

(b) *A list of key contact persons at public health agencies.*

4. *An employer operating a public accommodation facility shall make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to subsection 1 upon request at no cost.*

Sec. 12. *The Director shall adopt regulations requiring each public accommodation facility to establish protocols to:*

1. *Limit the transmission of SARS-CoV-2. Such protocols, must include only the following:*

(a) *Methods to encourage, to the extent reasonably possible:*

(1) *Employees to remain at least 6 feet apart from other employees and guests during their work and while on break.*

(2) *Guests to remain at least 6 feet apart from employees and other guests.*

(b) *A requirement that employee breaks must be structured to allow social distancing to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

(c) *A requirement that workstations must be separated by physical barriers or structured to allow social distancing where practicable to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*



*(d) Requirements concerning the frequency of hand cleaning for employees.*

*(e) A requirement that each employee be provided with access to a sink with soap and water for hand washing or hand sanitizer containing at least 60 percent alcohol within reasonable proximity to the work area of the employee.*

*(f) Policies providing for the availability of hand sanitizer containing at least 60 percent alcohol near locations where employee meetings are held, breakrooms and cafeterias for employees, front desks, bell desks, lobbies, entrances to food and beverage service and preparation areas, principal entrances to the facility and, in a resort hotel, on the casino floor, if:*

*(1) Those areas are not near hand washing facilities with soap and water; and*

*(2) A supply of hand sanitizer containing at least 60 percent alcohol is generally available.*

*(g) Policies for the distribution, at no cost to the employee, of masks and, where appropriate, gloves, based on public health concerns.*

*2. Train staff concerning the prevention and mitigation of SARS-CoV-2 transmission in the manner prescribed by the Director.*

*Sec. 13. 1. The Director shall adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan designed to monitor and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests. The plan must include only the following:*

*(a) The designation of a person or persons responsible for overseeing and carrying out on-site enforcement of the plan. The regulations must not require such a person or persons to be on-site at all times.*

*(b) A requirement that each new employee and each employee returning to work for the first time after March 13, 2020, must undergo testing for SARS-CoV-2, if such testing is available.*

*(c) The designation of an area of the public accommodation facility where employees will check in every day to receive contact-free temperature measurement and review questions to screen for exposure to SARS-CoV-2.*

*(d) Requirements that:*

*(1) The public accommodation facility must notify each employee who is known to have had close contact with a guest or employee who has been diagnosed with COVID-19 not later than 24 hours or as soon as practicable after the employer learns of the diagnosis; and*

*(2) Each such employee must undergo testing for SARS-CoV-2 and, in addition to any other leave to which the employee is entitled, be given:*

*(I) Not more than 3 days of paid time off to await testing and testing results; and*

*(II) Additional paid time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.*

(e) A requirement that each employee who otherwise has a reasonable belief or has been advised that he or she has been in close contact with a person who has tested positive for SARS-CoV-2 must undergo testing for SARS-CoV-2.

(f) Requirements that each employee who notifies his or her employer that he or she is experiencing symptoms of COVID-19:

(1) Must undergo testing for SARS-CoV-2; and

(2) Must not return to work while awaiting the results of that testing.

(g) Requirements that each employee described in paragraph (e) or (f) must, in addition to any other leave to which the employee is entitled, be given for the first occurrence on which the employee gives the employer such notification:

(1) Not more than 3 days of paid time off to await testing and testing results; and

(2) Additional paid time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.

(h) A requirement that, except as otherwise provided in subsection 3, each employee who tests positive for SARS-CoV-2 or is otherwise diagnosed with COVID-19 and is working or has been recalled to work at the time of the result or diagnosis must be allowed to take at least 14 days off, at least 10 of which must be paid time off.

(i) A requirement that testing for SARS-CoV-2 required by this section must be:

(1) Provided at no cost to the employee; and

(2) Performed on-site or at a testing facility selected by the public accommodation facility.

(j) A requirement that an employee that is required to be tested pursuant to this section authorize the provision of or provide the testing results to the public accommodation facility;

(k) A requirement that any guest who reports testing positive for SARS-CoV-2 or being diagnosed with COVID-19 must be requested to leave the public accommodation facility if practicable and seek medical attention.

(l) A requirement that information pertaining to employees and guests who test positive for SARS-CoV-2 or who are diagnosed with or report symptoms of COVID-19 must be kept confidential, unless the employee or guest agrees otherwise and except as required to be disclosed to public health officials and for purposes of contract tracing or cleaning.

2. The regulations adopted pursuant to this section must define the term "close contact" to have the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services for the purpose of determining when a person has been in close contact with another person who has tested positive for SARS-CoV-2.

3. An employer who operates a public accommodation facility may submit a request to the Director to increase or decrease the amount of days off

required by paragraph (h) of subsection 1. The Director may grant such a request if it is consistent with the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning time off for employees who test positive for SARS-CoV-2 or are otherwise diagnosed with COVID-19.

4. For the purposes of this section, paid time off must be calculated at the base rate of pay for the employee. Paid time off taken pursuant to this section:

(a) Must not be deducted from paid time off provided to the employee pursuant to NRS 608.0197 or a policy or contract of the public accommodation facility.

(b) May be deducted from paid sick leave provided pursuant to section 5102(a)(1)-(3) of the Families First Coronavirus Response Act, P.L. 116-127.

5. The health authority may require a public accommodation facility that is not under the jurisdiction of the Nevada Gaming Control Board to submit a written SARS-CoV-2 response plan to the health authority. Except as otherwise provided in this section and notwithstanding any other law, a written SARS-CoV-2 response plan submitted to the health authority is confidential. The health authority may disclose all or a part of such a plan upon:

(a) The request of an authorized agent of the Federal Government, a foreign government or a state or local governmental entity in this State or any of the several states, territories, possessions and dependencies of the United States, the District of Columbia or Puerto Rico.

(b) The order of a court of competent jurisdiction.

(c) Specific authorization of the chief administrative officer of the health district or, in a location that is not part of a health district, the Chief Medical Officer.

6. The Nevada Gaming Control Board may require a public accommodation facility that is under the jurisdiction of the Board to submit a written SARS-CoV-2 response plan to the Board, either alone or as part of an emergency response plan adopted pursuant to NRS 463.790.

7. The provisions of this section must not be construed to preclude an employee who is exposed to or tests positive for SARS-CoV-2 or is diagnosed with COVID-19 from choosing to perform his or her duties remotely instead of taking time off if the job duties of the employee are conducive to remote work.

Sec. 14. 1. The health authority may, upon receiving a complaint or at any time, inspect a public accommodation facility to ensure compliance with the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. The health authority shall inspect for such compliance:

(a) Except as otherwise provided in paragraph (b), each public accommodation facility with more than 200 rooms available for sleeping accommodations at least once every 3 months.

(b) Each resort hotel at least once every 2 months.

2. Upon discovering a violation of the provisions of sections 4 to 15, inclusive, of this act or the regulations adopted pursuant thereto and after notice and the opportunity for a hearing, the health authority:

(a) Shall order the public accommodation facility to correct the violation.

(b) May impose an administrative fine of not more than \$500 for each initial violation or \$1,000 for each second or subsequent violation.

(c) If the violation occurs at a public accommodation facility that is not a resort hotel, may notify any local governmental entity responsible for licensing or regulating the public accommodation facility. Upon receiving such notification, the local governmental entity shall review the violation and may take further action, including, without limitation, suspending or revoking the license of the public accommodation facility, to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. Such action must be taken in accordance with any procedures established by the local governmental entity for actions to enforce statutes or regulations or impose disciplinary action generally.

(d) If the violation occurs at a facility subject to the jurisdiction of the Nevada Gaming Control Board, shall notify the Board. Upon receiving such notification, the Board may take further action to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. Such action must be taken in accordance with any procedures established by the Board for actions to enforce statutes or regulations or impose disciplinary action generally.

3. The Director shall adopt regulations prohibiting a public accommodation facility from discharging, reducing the compensation of, increasing the workload of, imposing fees or charges on, changing the duties of or otherwise taking adverse action against an employee in retaliation for participating in proceedings related to sections 4 to 15, inclusive, of this act, or seeking enforcement of those provisions.

4. As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865.

Sec. 15. 1. Within 15 days after the adoption, amendment or repeal of a regulation by the Director pursuant to sections 11 to 14, inclusive, of this act, a district board of health shall, as applicable, adopt a substantively identical regulation or amend or repeal its substantively identical regulation ~~and~~ in a conforming manner.

2. The provisions of subsections 5 and 6 of NRS 439.366 or subsections 5 and 6 of NRS 439.410, as applicable, do not apply to the adoption, amendment or repeal of a regulation by a district board of health pursuant to subsection 1.

Sec. 16. NRS 447.003 is hereby amended to read as follows:

447.003 As used in ~~the chapter,~~ NRS 447.003 to 447.210, inclusive, unless the context otherwise requires, the words and terms defined in NRS 447.007 and 447.010 have the meanings ascribed to them in those sections.

Sec. 17. NRS 447.020 is hereby amended to read as follows:

447.020 1. All bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, used in any hotel in this state must be kept clean and free from all filth or dirt.

2. No bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, shall be used which is worn out or unsanitary for use by human beings according to the true intent and meaning of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.*

Sec. 18. NRS 447.050 is hereby amended to read as follows:

447.050 It is unlawful for any person to use, or to permit another person to use, any of the following portions of a hotel for living or sleeping purposes:

1. Any kitchen, cellar, hallway, water closet, bath, shower compartment, or slop-sink room.

2. Any other room or place which does not comply with the provisions of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive*, or in which, in the judgment of the health authority, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness, or offensive or obnoxious odors or poisonous gases in the room or place, or a lack of exits as required by the Uniform Building Code in the form most recently adopted before January 1, 1985, by the International Conference of Building Officials.

Sec. 19. NRS 447.150 is hereby amended to read as follows:

447.150 1. The health authority may exempt any hotel built prior to October 1, 1945, from having the number of water closets, bathtubs or showers required by ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive*, for the following reason: The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

2. The health authority has no authority under this section to exempt any hotel or portion of a hotel built after October 1, 1945, from having the number of water closets, bathtubs or showers required by ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.*

Sec. 20. NRS 447.190 is hereby amended to read as follows:

447.190 The health authority is charged with the enforcement of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.* The health authority shall keep a record of hotels inspected, and the record or any part thereof may, in the discretion of the health authority, be included in the biennial report to the Director of the Department of Health and Human Services.

Sec. 21. NRS 447.200 is hereby amended to read as follows:

447.200 The health authority shall have access at any time to any hotel in this State for the purpose of making inspections and carrying out the provisions of ~~[this chapter.]~~ *NRS 447.003 to 447.210, inclusive.*

Sec. 22. NRS 447.210 is hereby amended to read as follows:

447.210 1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state who fails to comply with the provisions of NRS 447.003 to 447.200, inclusive, or any of the provisions of the regulations

hereby established whether through the acts of himself or herself, his or her agent or employees is guilty of a misdemeanor.

2. Every day that any hotel is in violation of any of the provisions of ~~this chapter~~ NRS 447.003 to 447.200, inclusive, constitutes a separate offense.

Sec. 23. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 29, inclusive, of this act.

Sec. 24. *As used in sections 24 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 to 28, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 25. 1. "Business" means a natural person, or a corporation, partnership, association or other business organization, engaging in an activity for profit at a premises located in this State.

2. *The term does not include a business that operates:* ~~as:~~

(a) An agency to provide nursing in the home as defined in NRS 449.0015;

(b) A facility for hospice care as defined in NRS 449.0033;

(c) A facility for intermediate care as defined in NRS 449.0038;

(d) A facility for skilled nursing as defined in NRS 449.0039;

(e) A hospital as defined in NRS 449.012; or

(f) An independent center for emergency medical care as defined in NRS 449.013.

Sec. 26. "COVID-19" means:

1. The novel coronavirus identified as SARS-CoV-2;

2. Any mutation of the novel coronavirus identified as SARS-CoV-2; or

3. A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

Sec. 27. 1. "Governmental entity" means the State of Nevada or any of its agencies or political subdivisions. As used in this ~~section~~ subsection, "political subdivision" includes any organization or entity described in NRS 41.0305.

2. The term does not include any public school entity for pupils in preschool, kindergarten, or any grades 1 through 12, including, without limitation, a school district, a charter school or a university school for profoundly gifted pupils.

Sec. 28. 1. "Nonprofit organization" means any private organization not operated for profit.

2. The term, includes, without limitation, an organization for youth sports or an alumni, charitable, civic, educational, fraternal, patriotic, religious, labor or veterans' organization, a credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act, or a state or local bar association, that:

~~1.~~ (a) Has been determined pursuant to NRS 372.326 to be created for religious, charitable or educational purposes; or

~~2.~~ (b) Qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c).

Sec. 29. 1. *In any civil action where a plaintiff alleges a personal injury or death as a result of exposure to COVID-19 while on a premises owned or operated by an entity, or during an activity conducted or managed by the entity:*

*(a) The complaint must be pled with particularity.*

*(b) If the entity was in substantial compliance with controlling health standards, the entity is immune from liability unless the plaintiff pleads sufficient facts and proves that:*

*(1) The entity violated controlling health standards with gross negligence; and*

*(2) The gross negligence was the proximate cause of the plaintiff's personal injury or death.*

*(c) If the entity was not in substantial compliance with controlling health standards:*

*(1) The plaintiff may pursue any claim recognized at common law or by statute; and*

*(2) The immunity described in paragraph (b) does not apply to the entity.*

2. *The court shall determine as a matter of law whether an entity was in substantial compliance with controlling health standards at the time of an alleged exposure to COVID-19. The plaintiff has the burden of establishing the entity was not in substantial compliance with controlling health standards.*

3. *As used in this section:*

*(a) "Controlling health standards" means any of the following that are clearly and conspicuously related to COVID-19 and that prescribed the manner in which an entity must operate at the time of the alleged exposure:*

*(1) A federal, state or local law, regulation or ordinance; or*

*(2) A written order or other document published by a federal, state or local government or regulatory body.*

*(b) "Entity" means a business, ~~for~~ governmental entity ~~and its officers and employees~~ or ~~for~~ nonprofit organization ~~and the officers and employees of the business, governmental entity or nonprofit organization.~~*

*(c) "Premises" means any real property located in this State.*

*(d) "Substantial compliance" means the good faith efforts of an entity to help control the spread of COVID-19 in conformity with controlling health standards. The entity may demonstrate substantial compliance by establishing policies and procedures to enforce and implement the controlling health standards in a reasonable manner. Isolated or unforeseen events of noncompliance with the controlling health standards do not demonstrate noncompliance by the entity.*

Sec. 30. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In addition to the grounds for suspension or revocation of a state business license set forth in NRS 76.170, if a person who holds a state business license fails to comply with controlling health standards, the Secretary of State*

may suspend the state business license of the person until the person complies, in good faith, with controlling health standards.

2. If the license is suspended, the Secretary of State shall provide written notice of the action to the person who holds the state business license.

3. As used in this section:

(a) "Controlling health standards" means any of the following that are clearly and conspicuously related to COVID-19 and that prescribed the manner in which a business must operate at the time the person allegedly failed to comply:

(1) A federal, state or local law, regulation or ordinance; or

(2) A written order or other document published by a federal, state or local government or regulatory body.

(b) "COVID-19" means:

(1) The novel coronavirus identified as SARS-CoV-2;

(2) Any mutation of the novel coronavirus identified as SARS-CoV-2; or

(3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

Sec. 31. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.



2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,   
 ↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130; ~~for~~

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075 ~~for~~; or

(h) *The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to sections 11 to 14, inclusive, of this act.*

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 32. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774,

445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 13 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 33. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system, relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; ~~or~~

(e) *Obtained by the Board from a public accommodation facility pursuant to section 13 of this act; or*

(f) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing,   
 ↪ are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Notwithstanding any other provision of state law, if any applicant or licensee provides or communicates any information and data to an agent or employee of the Board or Commission in connection with its regulatory, investigative or enforcement authority:

(a) All such information and data are confidential and privileged and the confidentiality and privilege are not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country in connection with its regulatory, investigative or enforcement authority, regardless of whether such information and data are shared or have been shared either before or after being provided or communicated to an agent or employee of the Board or Commission; and

(b) The applicant or licensee has a privilege to refuse to disclose, and to prevent any other person or governmental agent, employee or agency from disclosing, the privileged information and data.

7. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

8. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

9. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

10. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

11. For the purposes of this section, "information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.

Sec. 34. The provisions of sections 24 to 29, inclusive, of this act apply only to a cause of action or claim arising from a personal injury or death specified in section 29 of this act that accrues before, on or after the effective date of this act and before the later of:

1. The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or

2. July 1, 2023.

Sec. 35. 1. Within 15 days after the effective date of this act, the Chief of the Budget Division of the Office of Finance created by NRS 223.400 shall transfer from Budget Account 101-1327:

(a) The sum of \$2,000,000 to the Southern Nevada Health District created pursuant to NRS 439.362 to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted thereto.

(b) The sum of \$500,000 to the Washoe County Health District created pursuant to NRS 439.370 to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted thereto.

2. All money transferred pursuant to subsection 1 must be expended by the recipient health district on or before December 30, 2020. Any remaining balance of the money must not be committed for expenditure on or after

December 30, 2020, by the recipient health district or any entity to which the money is granted or otherwise transferred in any manner, and any portion of the money remaining must not be spent for any purpose after December 30, 2020, by either the recipient health district or the entity to which the money was subsequently granted or transferred, and must be reverted to Budget Account 101-1327 on or before December 30, 2020.

Sec. 36. 1. The Director of the Department of Health and Human Services shall adopt the initial regulations required by sections 11 to 14, inclusive, of this act not later than 20 days after the effective date of this act.

2. Notwithstanding the 15-day requirement set forth in section 15 of this act, a district board of health of a health district, as required by section 15 of this act, shall adopt regulations that are substantively identical to the regulations adopted by the Director pursuant to subsection 1 within 30 days after the effective date of this act or within 10 days after the adoption of the regulations by the Director pursuant to subsection 1, whichever is earlier.

Sec. 37. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 38. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after August 1, 2020.

Sec. 39. 1. This act becomes effective upon passage and approval.

2. Section 30 of this act expires by limitation on the later of:

(a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or

(b) July 1, 2023.

Senator Cancela moved to dispense with the reading of the amendment.

Senator Hansen objected to Senator Cancela's motion.

Motion carried.

Senator Cancela moved the adoption of the amendment.

Remarks by Senators Cancela, Settlemeyer, Hardy, Hansen, Kieckhefer, Pickard, Ratti, Goicoechea, Hammond and SeEVERS Gansert.

SENATOR CANCELA:

Amendment No. 6 to Senate Bill No. 4 makes changes to several sections of the bill. Section 15 is amended to add "conforming manner" to ensure a district board of health, in a county whose population is 100,000 or more, is required to adopt a substantively identical regulation to that of the Department of Health, or the district board of health must amend or repeal its substantively identical regulation in a conforming manner. Section 27 is amended to exclude from the definition of "governmental entity" any "public school entities," including without limitation, such entities providing preschool and K-12, including charter schools and schools for profoundly gifted pupils and school districts. This change removes such schools and school districts from the immunity protections afforded by section 29. Section 28 is amended to revise the definition of "nonprofit organization" to apply to any private organization not operated for profit. This revised definition of "nonprofit organization" adds "includes without limitation" to the list of nonprofit organizations, and contains "state and federal credit unions." Section 29 is amended to revise the definition of "entity" to include "officers and employees" of a business, governmental entity or nonprofit organization.

SENATOR SETTELMAYER:

I appreciate the amendments. Much of this came out during discussion of the bill. The concept of the nonprofits and clarification and inclusion of the officers were all things discussed. I object to the concept of taking education out of it. However, in my discussions with the head of the teachers' organization in Clark County, many teachers stated they are afraid and worried because of the current events on television and the unknown. Clark County is concerned about returning to school. Although, Clark County is not my county, I can understand their fears; however, that is not the entire State of Nevada. Teachers in northern Nevada have indicated they desire to teach in the classroom and help kids.

Superintendents from northern Nevada have indicated with this amendment they will not physically go back to school. They will not do it. During the last Special Session, some of us indicated on the record we were going to offer them some immunity and protections, but this issue has not even been discussed.

Now, high school seniors will not get their senior year, will not be driving to school and, instead, will be receiving digital instruction. Teachers have indicated, due to the COVID-19 virus, there is a "corona" gap in students' education. They are concerned about how students will make up this lost time. This will add another year to that gap.

I cannot support this bill, and I object to this amendment.

SENATOR HARDY:

I have misgivings about the amendment as to what it does not include, and I appreciate some of the things it does include. In section 29(3)(b), the Dignity system of hospitals in southern Nevada appears to be protected with liability protection for the premises, which was not included before. It is startling we are protecting nonprofit organizations at the expense of profit organizations. Where would we be without profit entities: doctors, nurse practitioners, stores, gas stations, schools and, yes, even hospitals?

This amendment seems to strike a legal war against a segment of the economy that takes care of more Medicaid people collectively than any one single hospital in Clark County.

I will be voting "no" on this amendment. There are good things in it, but the overall tone of the amendment is against the people who are taking care of us.

SENATOR HANSEN:

If this passes, with a single paragraph, we have just kept a half-million kids from going back to public school. We have just kept 200,000 to 300,000 parents frustrated because of this failure to reopen the schools. We have all heard the testimony from the superintendents who said in order to open the schools this fall, we need some sort of liability protection. Yes, there are a lot of teachers who are worried about current circumstances, and there are also a lot of teachers who are not.

In the last six months, facts have changed dramatically concerning the coronavirus situation. All of the experts across the Nation believe children should be back in school, and this amendment strips their ability to return.

We are supposed to be a deliberative body and have time to reflect upon the potential ramifications of what a bill can do. It is an embarrassment to this institution and the process we are to uphold to drop, once again, at the last minute, in a special session, an amendment on a bill after its hearing that has this level of impact to the entire State.

The bigger question is why are we excluding anyone who, in good faith, follows the CDC guidelines from liability protection? Who wants these types of liabilities removed? We are looking toward class-action lawsuits if some schools dare to return. We have spoken to our superintendents in my district, and none of them, without exception, support this amendment. This one-size-fits-all approach does not work for all of Nevada. We should delegate authority to the local governments and local school districts, allow them to determine their own policies and give them the right to have liability protection in the process.

For the half-million children and their parents in this State, I urge my colleagues to reject this.

SENATOR KIECKHEFER:

I share my colleagues' concerns about removing the school districts from the bill. I have a question specifically related to the definition of "nonprofit organization" because I read it in the



same way as the Senator from District 12. While government-owned hospitals fit into multiple categories in this bill, they would be protected under the liability protections because they fit under the definition of "governmental entities." I read this clearly to mean that any nonprofit hospital, whether it is the Dignity system in southern Nevada or Renown in northern Nevada, for example, would be protected under the liability protections in this bill because they fit the definition for "nonprofit organizations." I wanted this stated clearly on the record because that is plain in the new and added language in this amendment.

SENATOR PICKARD:

I also share the concerns of my colleagues. It is a monumental mistake for us to remove important parts of our economy, of our society, from these types of protections. This is a political move and not intended to better anyone other than those who have negotiated this removal. Removing schools will ultimately hurt us. We are bowing to political pressure. It will prove to be a mistake to consider a small group of people who want political gain and not purposed for the good of our students. I urge my colleagues to vote "no" on this amendment.

SENATOR RATTI:

I wish I could live in a black-and-white world where there was only one correct answer to this challenge. The truth of the matter is the response to the COVID-19 pandemic is complex, and there are competing interests. Wonderful scientists are saying in order to suppress the spread of the virus and make sure we do everything to get this virus under control, we should not go back to school. There is another group of scientists with equally good credentials and motivations who are concerned about the well-being and educational progress of students and believe we need to get the kids back to school. They are both valid and competing. I have levels of sympathy and empathy for the school boards and superintendents who need to make these difficult decisions in this untenable situation. It is frustrating when we sit here and believe there is one right solution for everyone.

I support this amendment. My information is different than what I am hearing today. I represent northern Nevada and have received hundreds and hundreds of emails from teachers in my county and district who do not want schools to be in this bill. Teachers are terrified to go back to school and possibly infect those around others outside of school.

To oversimplify this and say that giving schools protections or not giving schools protections is the way to go, does not give service to the complexity of the issue we are facing as a body, nor to the real level of anxiety and uncertainty our educators are experiencing right now because they are having to make impossible choices. Teachers love their kids. They know what the scientists are saying is right about kids' emotional health and educational achievement. Children need to be in school. Teachers know this virus is dangerous, and they are concerned for their own personal safety. Many are willing to risk their own personal safety to make sure the children are being taken care of. Let us not oversimplify this.

I support this amendment because of all of the groups we are talking about in terms of having protections. Schools are filled with children, and children deserve, perhaps, a higher level of protection. Without the liability protection, our schools may be put in the position to think harder about the safety standards they are providing. I am not saying they are not already because, again, we have wonderful school boards and administrators experiencing many sleepless nights. It is not liability protection that drives their decisions but the health and safety of our children and their employees. I would rather they have to think a little bit longer and make sure they are doing everything safe in order to open the schools, if that is their choice, and not feel like lawsuits are part of the equation. I urge you to support this amendment.

SENATOR GOICOECHEA:

I rise in opposition to this amendment. My concern is limiting liability to our schools. This removes the ability of school districts to evaluate their own district and the risks in their jurisdiction. What is their population? What is the caseload? What is the true risk? It is wrong to put everyone in this; not everyone belongs in this amendment.

I represent rural Clark County and understand their concerns. Schools in my district want to be able to move forward but, I am sure, will determine it is best to stay closed. Several concerned superintendents have communicated to me they will be afraid to open if we remove their liability

coverage. These rural school districts felt comfortable and are ready to open. They could successfully social distance and keep the schools clean and meet the requirements of the CDC guidelines. This amendment changes the bill tremendously, and by removing the liability protections, these schools will not open. I cannot agree with this.

This amendment does not address the fact that we wiped out liability protection for three major hospitals in my district; Elko, Ely and Pahrump hospitals will not be covered. We have lost sight of the fact we are in a pandemic. Who are we punishing? It is the very healthcare providers we depend on. I ask my colleagues to please reconsider. This amendment does not get there, and I opposed the bill as it was originally written.

SENATOR HAMMOND:

We have talked about this amendment at length, and I understand the concerns of my colleague from Senate District 13. I am sure there are cases one could make on both sides. In this case, with this amendment to the bill, you are essentially forcing school districts not to open. There is no choice here for them.

As someone who has been in education for a long time, I looked at what happened during the last quarter of the school year and saw the inability to deliver an education online to a large number of students. Many students lost an entire quarter of education. Many students, all they did during the fourth quarter was make up the low grades they had in the third quarter. That was it. That was the extent of their education.

Since the end of the school year, not many teachers and educators have learned how to deliver that education better. Maybe we will get a little better. Overall, this is a herculean task to ask of them. You are essentially saying to school districts your liability coverage is not sufficient for you to open and have students, staff or teachers there. There is no way we can open up these schools.

This bill with its amendment picks winners and losers. It is hard to imagine this is what we are going to do here. You need the schools in the bill to ensure both sides can talk about the choices and levels of safety they need before opening schools.

Like many of my colleagues, it is hard for me to approve this amendment to the bill. There are some good parts, as mentioned, but it falls short of protecting the schools and students. It takes away the discussion of opening the schools. We are going to have a whole year where schools are not open and students are not in schools. I cannot support this.

SENATOR SEEVERS GANSERT:

I know we all absolutely agree we want our children to be safe. We want our employees to be safe. We want Nevadans to be safe. When you look at this bill, there are pages of language crafted around the hospitality industry to make sure they are safe, and that is extremely important. We know, because our State is different, the Governor has changed his direction so there is more local control over how to respond to COVID. Clark County is different than Elko or Washoe or Humboldt. We have seen a change in direction to look at local control. This bill reflects that.

The liability protections are tailored toward federal, State, local and even ordinances at the lowest level. Whatever restrictions or protocols are required at the lowest level, the strictest requirements are the ones businesses must follow to get the liability protections they desperately need.

My issue with the amendment is we are not allowing K-12 the ability to do that. If we could go school district to school district, they could craft language. The language around the hospitality industry probably took six weeks to craft. We have not had the opportunity to be able to dive into K-12, and with this amendment, the school districts will not be able to.

We need to keep children safe; there is no doubt about it. We, however, have not crafted this amendment to make sure the local level can specifically craft their own language in order to keep children, employees and all Nevadans safe. I appreciate other pieces of the amendment around nonprofits and changing some necessary technical issues. It is not perfect, but it is much better.

The entire bill, however, is extremely important. We have businesses on the edge, by no fault of their own, because of COVID. COVID has ravaged Nevadans and our economy. This bill is incredibly important in order for us to stay open. Nevadans want to work, and we need to allow them to work. I will not be supporting this amendment, but I understand how critical this bill is to allow our economy to recover.

SENATOR CANCELA:

It concerns me we may leave this building today, leave this debate around this amendment and around this bill when there may be folks watching and paying attention who have only heard a soundbite and will believe this bill, this amendment, is the reason kids will not return to school in the next few weeks. Let us be clear: COVID-19 is the reason schools will remain closed, will change their learning format or will find ways to open based on the best public-health guidelines. This bill does not change whether or not schools will open. We are in a public-health crisis dealing with a virus, and our school districts are responding to it.

It is important to note we heard testimony from teachers across the State who agreed the bill gives them, their site employers and districts enhanced protections. We would rather make sure our employers at our school districts and schools are doing everything possible to not only keep us safe but also all of those who are interacting with kids and parents every day. It is not just about teachers but to keep the community safe. This is what we resoundingly heard teachers ask for across the State. It is the responsibility of this Body to meet these concerns. Our teachers have done everything they can to adapt in this environment, from teaching third graders over Zoom to distributing meals in public parking lots.

When teachers return to the classrooms, we need to ensure they are safe and protections are put in place to meet the best public-health standards. Folks who decide that are not us in this room; are folks who are closest to our schools: the school boards, the school districts and the people telling us they want the best protections possible.

It is true, local control will determine whether schools in some of our rural communities will open, whether schools in urban areas will go to distance learning. All of that is accurate. We should rely on the school boards and the people who are closest to our teachers to make that determination.

We cannot compare last school year to this year because of the professional planning and development that has gone into preparing for this school year. The comparison does not give our educators the credit they deserve in meeting this moment. I fully support this amendment, and I urge our members to do the same.

Senators Cannizzaro, Scheible and Ohrenschall moved the previous question.

Senators Hardy, Pickard and Hansen requested a roll call vote on Senators Cannizzaro's, Scheible's and Ohrenschall's motion.

Senator Settelmeyer moved to recess.

Motion carried.

Senate in recess at 11:02 a.m.

#### SENATE IN SESSION

At 11:06 a.m.

President pro Tempore presiding.

Quorum present.

Roll call on Senators Cannizzaro's, Scheible's and Ohrenschall's motion:

YEAS—12.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer, Washington—9.

The motion having received a majority vote, Mr. President pro Tempore declared it carried.

The question being on the adoption of Amendment No. 6 to Senate Bill No. 4.

Senators Settlemeyer, Pickard and Hansen requested a roll call vote on Senator Cancela's motion.

Roll call vote on Senator Cancela's motion:

YEAS—12.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer, Washington—9.

The motion having received a majority vote, Mr. President pro Tempore declared it carried.

Amendment adopted.

Bill read third time.

Remarks by Senators Brooks, Kieckhefer, Hansen, Goicoechea, Hammond, Seevers Gansert, Cancela, Hardy, Pickard, and Settlemeyer.

SENATOR BROOKS:

Senate Bill No. 4 makes various changes to public-health laws to prevent the transmission of COVID-19 in Nevada and provides certain entities with immunity from civil liability for personal injury or death resulting from exposure to COVID-19, if the entity substantially complied with controlling health standards. Specifically, it requires a health district in a county whose population is 100,000 or more, currently Clark and Washoe Counties, upon the request of the Nevada Gaming Control Board, to advise the Board on public-health matters related to licensed-gaming establishments in the health district. It authorizes a district health department, upon the request of the Board, to enforce certain public-health regulations against a licensed-gaming establishment.

In addition, the bill requires the Director of the DHSS and district boards of health in counties whose populations are 100,000 or more to adopt regulations with requirements to reduce the transmission of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-Co-V-2), the virus that causes COVID-19, in public-accommodation facilities such as hotel/casinos, resorts, hotels, motels, hostels, bed and breakfast facilities, and similar facilities.

The regulations must require public-accommodation facilities to establish standards for cleaning designed to reduce the transmission of COVID-19; establish protocols to limit transmission; train staff how to prevent and mitigate transmission of the disease; and establish, implement and maintain a COVID-19 response plan to monitor and respond to instances and potential instances of infection among employees and guests; and provide testing and time off for employees who have been exposed to or are experiencing symptoms of COVID-19.

The Nevada Gaming Control Board and district-health authorities may require a public-accommodation facility to submit a copy of its COVID-19 response plan.

In addition, health authorities may, at any time or upon receiving a complaint, inspect public-accommodation facilities to ensure compliance with regulations. The bill also outlines the frequency with which health authorities must inspect such facilities as well as penalties and other enforcement mechanisms for violations.

This measure exempts the required regulations from certain provisions of the Nevada Administrative Procedure Act; however, interested people must be able to comment on their amendment or repeal. In addition, the regulations only apply during the period in which the Governor has declared a public-health emergency due to SARS-CoV-2 or on each day the positive test rate or number of new COVID-19 cases exceeds certain thresholds.

The bill provides that certain businesses, private nonprofit organizations or governmental entities, not including certain public schools and school districts, are immune from civil liability for personal injury or death resulting from exposure to COVID-19, if the entity substantially complied with controlling health standards. Any complaint in a civil action alleging personal injury or death as a result of exposure to COVID-19 must be pled with particularity. In addition, the person must plead sufficient facts and prove that the entity violated controlling health standards with gross negligence and that the gross negligence was the proximate cause of the person's injury or death. The court is required to determine, as a matter of law, whether an entity was in substantial compliance with controlling health standards.

This measure provides that these civil-liability procedures apply only to a cause of action or claim arising from a personal injury or death that assures before, on or after the effective date of this bill and before the later of the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, or July 1, 2023.

If an entity fails to comply with controlling health standards, the Secretary of State may suspend the State business license of the person until the person complies, in good faith, with controlling health standards. The Secretary of State must provide written notice of the suspension. The authorization of the Secretary of State to suspend a State business license expires by limitation on the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020, or July 1, 2023.

Finally, Senate Bill No. 4 provides for the transfer of \$2 million from Budget Account 101-1327 to the Southern Nevada Health District and \$500,000 to the Washoe County Health District to enforce provisions of this bill. Funds must be expended on or before December 30, 2020. Any unspent money must be reverted back to Budget Account 101-1327.

**SENATOR KIECKHEFER:**

This bill is obviously a delicate balance that was struck between the State's largest industry and one of its largest employee groups. I do not know if this is a good deal for either side; they know their business better than I do. What I do know, this will provide confidence for those businesses to reopen and continue to operate. While we have spent a considerable amount of time trying to figure out how to help people cope with unemployment, we have spent little time talking about how to get people back to work in this State, which should be the focus of our discussions moving forward.

This bill offers protections for businesses in every industry who wants to reopen and follow good health standards, throughout the State, other than healthcare and schools. This confidence should allow businesses to put people back to work. As we look at coming into the fall and the holiday season, knowing unemployment in our State will be at record highs, we should be focusing on finding ways to help people reenter the labor force. This bill does that. While I could find a couple of easy ways to vote "no," getting people back to work will put me to "yes" every day of the week that ends in "y" and twice on Sunday. I encourage my colleagues to vote "yes."

**SENATOR HANSEN:**

I, too, am fully supportive of getting everyone back to work, but what I cannot understand is if going back to work is bad for the teachers, why is it going to be good for everybody in the entertainment and hospitality industries? This bill has a record amount of minutia in it; we are putting into State law how to properly clean toilet paper roll holders. That kind of minutia is why we have regulatory bodies.

There are wonderful scientists who think kids should not go back to school; great, bring them in to our Committee of the Whole so we can talk to them. I would love to hear them. No one, here, in any of these Sessions, talked to this Body about COVID, not once. I have a son who did his residency at the Mayo Clinic, one of seven that went back East. I have an expert in the family who would love to come and talk to this Body. There are dozens of similar people like him across this Country we could have brought in. If you want to bring people in to say, "no, kids should not go back to school," great. That is why we have a deliberative body, and we should be doing things like that.

It seems odd to me we are terrified of sending the teachers and staff back to schools, but we are fine with sending all of the hospitality workers back into the same, exact scenario. They could be faced with people potentially spreading COVID as well. Are they now sacrificed? Is it okay for them to run the risk but not for members of the teachers union?

My biggest concern, the part about the medical community, is still in this bill. The people who are on the frontlines fighting COVID are being excluded from liability protection in this bill. The heroes we talk about, the first responders, the people we send sick people to, are left out of this bill. What does that show these kinds of people? We are willing to throw them under the bus for what I call, frankly, the billboard-parasite crowd.

The reason why you cannot get medical insurance anymore or why the deductibles are so high and cost prohibitive is because we have a class of people who love to sue. They are going to sue

school districts. They are going to sue hospitals, and they will mess up an absolute necessary recovery for the State of Nevada.

Who are we trying to protect here? Is it really the teachers or the kids, or are we simply afraid of certain key people in our society?

Now, if I am being overly simplistic, I apologize. Entire nations let their school systems go, including Sweden, and, yes, there was a gradual rise in COVID. As we know right now, numbers of death from COVID are dropping off dramatically. Our hospital beds are not being filled up. Our ventilators, that everybody was worried about, are not even being maxed out. The COVID crisis is on the downside. Among the young population, people are getting it, but overall, what we are seeing is a decline.

We should be providing protection to everyone in Nevada who wants to send their workers back into the workforce. To exclude the hospitals is just crazy. With one paragraph, we have blocked the ability for our kids to go back to school this fall. We all know it. If we are going to protect them, we should protect all of the workers. Why are we giving liability protection to people in the casino industry? It is your classic case of: we are all equal but some are more equal than others, apparently.

One of my colleagues told me to calm down, or I would have a heart attack. She is right. I am upset. We have not touched on a bunch of stuff, which I will cover later. We are taking a half-million kids and keeping them from school with this bill, and we are taking the right of parents to go back to work. What are they going to do with their kids during the day if they want to go back to work in the hospitality industry? Where are all of these kids going to go?

We have not reflected on the indirect consequences. One of the things the scientific community has pointed out is the health crisis of our children is rising from being left home all of the time. Suicide rates have gone through the roof. Peripheral issues impact our kids not being able to go to school. Domestic abuse of children has skyrocketed. It is all directly tied to us not giving the liability protection to our school districts they begged us for these two Special Sessions.

While I agree with my colleague, I want to see the major industries of Nevada reopen as well. I was the one from the first day who was begging us to do something about liability. I am happy that portion of the bill is in. It should be blanket, and it is not overly simplistic to include all of the businesses, all governmental entities, all of the school districts following reasonable CDC guidelines, or whoever you want to include. All of them should receive the same, exact blanket immunity.

I urge my colleagues to vote "no" on this. I suspect we will have another Special Session. There is going to be a backlash over this like you cannot believe, and it will be major. Throw that on top of mail-in ballots and a bunch of other stuff I will cover later when we are not on one bill. We will be back. Either that, or this State will collapse around our ears. This is something we should have done right off the bat, but we should make it blanket. It is not overly simplistic to ask anyone who operates in good faith to have reasonable liability protection from unnecessary lawsuits.

SENATOR GOICOECHEA:

I am fine with providing liability protection across the board, but instead, for political reasons, we have picked winners and losers. I have been here a while, but I will not be a part of this. I urge you to please consider blanket-liability coverage for every business in our State, every school district and every hospital, not some. I will not pick winners and losers. I will be opposing the bill and ask you to do the same. Liability protection needs to be across the board.

SENATOR HAMMOND:

It is no secret I totally disagree with deciding who gets in or does not get into this bill, who does or does not get the level of protection during this time. We have heard several remarks. I am not going to repeat them. It is wrong our schools and hospitals and others are taken out of this. We have picked winners and losers. It is bad policy to do this.

We did not get a chance to talk about the policy. We did not look through some of the language in the amendment where it talks about schools on campuses, private schools. We are taking one school for the gifted and talented and not giving them a level of protection so they can actually talk about how to safely open their school. This is what is concerning.

Having said that, the fact we need to get our economy going and are giving protections to some people is the only thing that allows me to vote "yes" to this bill because we are going to start. As

my colleague from District 19 said, "if this is across the board, it would be great." Across the board is the way it should be. Protections should be available for everyone in order to get kids back to school and people back to work. We need to start somewhere, and for that reason, I will vote "yes."

SENATOR SEEVERS GANSERT:

In 2010, Nevada led the Country in unemployment, foreclosures and bankruptcies. We have struggled before. We were able to pass bills to help those who are unemployed now. I am pleased we were able to do that because they had to wait almost five months for us to deliver something to clear up the backlogs. We helped with mediations for foreclosures.

This bill is going to help us turn the corner and recover. We need to provide this liability protection so businesses can open because we have had our industry and a lot of small businesses close. Those small businesses employ 42 percent of Nevadans.

This bill is critically important. It is not perfect, but in order for us to recover, grow and survive this ravaged situation COVID has caused, and by no fault of anyone's, we need to protect these businesses so they can reopen and continue. For those reasons, I will be supporting the bill.

SENATOR CANCELA:

I rise in support of Senate Bill No. 4. I have the honor and privilege to represent District 10, which houses a three-mile strip of land, the key to our State's economic stability. Within the Las Vegas Strip, we have the majority of our gaming properties; the economic drivers, when shut down for the last two months, have led us to sitting in this Chamber dealing with a painfully different-looking budget than the one we thought we would be facing.

Today, both employers and employees within our hospitality industry are doing the work of opening their doors in hopes to get people back to work and stabilize their books in order to stay open. This is important for the role hospitality and gaming plays for our State's budget and for every person who goes back to work as they represent a family and a more secure community. This matters and should matter to all of us. I want to put one person's name on the record, Adolfo Fernandez, a worker who went back to work, contracted COVID and, unfortunately, lost his life.

It is incumbent upon us to ensure the hospitality jobs, the drivers of our State's economy, are the safest jobs. We want people to come visit our beautiful State and, selfishly, Senate District 10 in the heart of Las Vegas. We want them to do so with confidence and then go home and tell their friends and families what an experience they had because Nevada took the important steps to be the first in the Nation to implement important and necessary health-and-safety protections for people on the frontlines pushing our economic recovery forward. Everyone deserves to go to work knowing their employer did all of the necessary things to keep them, the guests and visitors who come to our State safe.

Do I love every provision of this bill? No. It is, however, important to move our economy forward and ensure we lead the Nation in what it looks like to safely reopen our hospitality industry not only is this essential for the people who are going to work every day in District 10 but also for our State's recovery as a whole. I will be voting "yes" in the memory of Adolfo Fernandez.

SENATOR HARDY:

Sometimes we worry about why we are wearing masks. The reason we are wearing the mask is to prevent, for instance, myself transmitting the virus to someone else, to stop the spit from propelling and landing into someone else's nose, mouth or eyes. Obviously, this bill will pass, yet I feel compelled to be a warning voice in this political wilderness. I share my district with the Senator from District 19. In rural Clark County, one of the challenges we have in the political world is recognizing counties have borders, and the virus does not. Counties have borders larger than a blueprint of a virus-activity rate. My rural areas do not get as many people who are sick as in urban areas.

I made a decision about masks—grandkids, some of them live across the street from me—and I thought enough is enough. I do not want to be the grandpa who is remembered as not smiling because they could not see me smile. There are literal decisions we make on what risks we are willing to take, and the risks are real. As a vulnerable person, if I get the virus, chances are I have a better chance of dying than my kids or my grandkids. I understand the anxieties that exist when

we are faced with the unknown. Fortunately, we have studies showing little kids are less contagious than bigger kids called "adults." All of these things are bouncing around in my head.

We are trying to make policy, and we have a lot of challenges. I am approaching this from the medical side where we learn not all things are real clear. It was not until the end after midnight of hearing policy and testimony that said hospitals are required by NRS 41, but they are not. We heard that from our own attorney, Kevin Powers, who said hospitals are not covered by their premises in this bill. Knowing this and hearing testimony that preceded it was disconcerting. Unfortunately, we were apprised of it before we finished the testimony.

Clark County has a diverse rate of infection. Clark County is diverse. I represent both urban and rural parts of Clark County. We have not found a way to punish one area more than another so we have applied the same standard across Clark County which, in essence, is a diverse population with diverse demographics.

In NRS, we use the term "a person" or "persons" to describe an entity such as a corporation. Sometimes, we forget the reality that the word "person" is important to remember. This proposal is, in some way, against "persons" in the legal sense of the term. These "persons" happen to be nurses who deliver home care; "persons" who deliver end-of-life care in a hospice; "persons" who deliver intermediate care; "persons" who deliver skilled nursing, and "persons" called hospitals who do more than care. They are also educational institutions. There are independent centers for emergency medical care. If they did not exist, many people who could not afford the emergency room would make a literal decision to save money and go somewhere else that is open, available and less expensive for them to access. We are intentionally carving out these "persons," and the word was "intentional" in the testimony so they do not have that liability protection.

I have to ask why these people are carved out. My cynicism leads me to think someone has to be left so they can be sued. When a person is in a hospital and they have gone through their acute illness, many times, they are not ready to go home. One of the challenges hospitals faced long before COVID was to find a place in a nursing home, a rehabilitation center, an intermediate care or skilled nursing-care facility for patients to be able to have their ongoing care, have their family visit them. This is a chilling effect on that now.

We have continued to cover governmental hospitals. Let us use the University Medical Center. They are covered. That is wonderful. The University Medical Center has patients who have to go to nursing care, too. They have people who have intermediate-care needs. They have patients who need to go to rehabilitation. It is not just the private or nonprofit hospitals that will have problems with this. It will be everyone trying to find somewhere for these people to be. You will find intermediate-care places that do not make money on Medicaid patients say we need an advance; we are not going to accept anyone; let our Medicaid people go. Eventually, they will only open for paying patients. We are going to literally create a crisis in this State with this bill. I call it the "unintended consequences," but I have to rephrase that because these consequences were "intended."

The training of medical students and residents will be a problem for the University of Nevada, Las Vegas (UNLV); the University of Nevada, Reno (UNR); Touro University, as well as Roseman University of Health Sciences. We have done all sorts of things to get residents trained. We have tried to get medical students. If you stay here as a medical student and stay here as a resident, you will likely stay here as a physician. For decades, this Body has been trying to get more doctors in Nevada, and we are going to be in big trouble because of this bill.

The reality is this Nation has been affected by COVID. Organizations come together in the administrative medical world and say they do not want anyone coming to our house because they may have been exposed to COVID. They have made a guideline that says you, as a fourth-year medical student, who usually spends, at least, four out of your ten months in your fourth year away, can, maybe, spend one month away if that one rotation is needed to graduate or is going to be your specialty. You are allowed to do one away-rotation out of four or five or six, as some people do in medical school, in the fourth year. Instead of an "away" or an "audition rotation," as we call it, now, all medical students will be forced to do it in their hometown. Imagine what is going to happen when UNLV, UNR, Touro University and eventually Roseman, if they are crazy enough to do this, will all be competing for fewer slots because preceptors and hospitals will say we do not want extra people coming into our hospital and exposing us to viruses that scare



everybody. This is real. People have said we have to seriously look at not even having medical students.

We are going to aggravate the problems we have with medicine to the point that, in good conscious, there "ain't" no way I can vote for this bill when it was intended to bring the consequences I have just elucidated.

SENATOR PICKARD:

I appreciate my colleague from Senate District 10 because she is spot-on correct. This bill protects our resort community, particularly in southern Nevada. The resort industry generates most of the taxes paid in this State which provides the largest part of Nevada's budget. As my colleague from Senate District 16 remarked, we need them to go back to work. We need all of Nevada to go back to work.

I support Senate Bill No. 4 to the extent it provides protections for resorts and businesses whom we rely on for our daily bread. There is no question our visitors must feel confident we are doing everything we can to keep the spaces safe. We have a duty to do all we can to make sure government is there to keep everyone safe.

I am, however, greatly disappointed we have cast aside healthcare workers and educators as less than the most-important members of our economy. While they may not generate dollars to spend on our pet projects, they do provide us with the health, safety and knowledge we and our children depend upon to be able to patronize the businesses we are supporting here.

Let us be clear: this bill is about legal liability and the safety of resorts. The bill requires health districts to establish proper standards and protocols to keep spaces safe. Schools are also public spaces. Were this simply about keeping schools safe, this bill would, and I believe could, keep schools, just as resorts, safe. Thus, regarding safety, there is no justification for removing schools and education from the protections of this bill.

The idea of stripping education out of liability protection so schools are forced to remain closed does nothing but hurt our children and our teachers. How? First, this is a legal maneuver to raise the risk of litigation and the costs associated with it, not to protect children. The amendment does not protect children and teachers. Teachers are just as exposed to liability as the institutions they work for. It is easy to name a teacher in a lawsuit causing them to lawyer up. Any good tort attorney will tell you that if the teacher did not meet the standard of care established by the institution such that their acts are deemed as *ultra vires*, or outside the proper scope of employment, then they are on the hook. Since that is a question of fact, they are not immediately dismissed from the case. We have just exposed teachers to real risk, and when we remove them, we have issued an invitation to drain our district budgets to settle lawsuits.

Educators and superintendents alike admitted that no child received an adequate education at the end of the last school year. There was consensus on that point. A good number, mostly poor children and children of color, did not get an education at all. Not all children were left behind, but too many were. This is a fact admitted in the last Special Session. Will we do better at distance learning than we did? I hope so. I hope we have learned something.

We have learned from pediatricians, psychologists and childhood-development specialists that kids need to get out of the house and interact with other kids as much as they need academics. They will get none of that now. The amended version of this bill sees to it. Moreover, we have hurt families. Most families with kids in schools have parents who work outside the home. Not all of them can afford to quit and stay home with their kids. We have kicked them to the side as well. Many of them will now qualify for workers' compensation which will only pay them a fraction of what they could have made had they gone to work. The compensation they will get must have been taken from you and me, the taxpayers of Nevada.

During the hearing, hospitals and healthcare facilities established they will have a window of time after the Emergency Declaration is over, but before the virus is eradicated, where public hospitals and staff will be fully exposed to legal liability. Once we have kicked the for-profit hospitals out of protection, access for the sick will be even harder to find. Facilities will be forced to turn away family members of sick and dying patients because they cannot afford the risk of litigation. If facilities are not required to take COVID patients, they will not. They will no longer be able to train up-and-coming nursing students and medical residents because of litigation risks. These are monumental mistakes.

I cannot, however, turn my back on the economic engine that keeps us all fed either. We need to reopen Nevada. We need to allow those who are willing to take the risk to take it. We are built of pioneer stock who risked much to gain much. Nevada has a long history of boom and bust, of grit and determination, of perseverance through adversity. We need to be free to earn a living. We need to be free.

While I have enormous concerns about the ill-advised decisions these most-important members of our economy have made, some protection is better than none. We need to do better. We need to protect all of our constituents, not just the ones with political power. We are here to make sure the unheard and unpopular have a voice, too. This bill ignores them altogether. Let us do better.

Let us pass this bill with the conviction to come back next Session and give the presenters of this bill an opportunity to consider the less important and give us the same blessings we just bestowed upon those with the power to force this legislation down our throats.

SENATOR SETTELMAYER:

There has been much discussion today about workers, employees, employers in this bill providing different protections and remedy at law. After spending a decade-and-a-half in Commerce and Labor, it is my understanding the only remedy at law is workers' compensation. It is the exclusive remedy at law for employees and employers. This bill does nothing to change that.

The discussion for doctors is under medical malpractice which limits the compensation to \$350,000 under NRS 41A. The Governor, with his Declaration 11, left everything at NRS 41.A035, or \$350,000. The issue is the general, business risk of someone coming on the property, contracting COVID and then trying to sue the business or entity because of it. This is the protection we are providing, and it is the immunity we are providing everyone. It is the general, business risk that applies to businesses, and it should be applied to everyone in the State of Nevada, *et al.*, not just afforded to corporations.

SENATOR BROOKS:

I am in strong support of Senate Bill No. 4 because it strikes a balance of protections for workers and provides certainty for businesses in our State. As a result of this devastating and deadly COVID virus and crisis we now have in our Country, the Nevada economy has been decimated. It is crippled, and we have been dealing with it for the past six months.

What this bill provides is certainty to small businesses, taverns, barber shops and main streets all across Nevada, as well as the resort industry, which is the economic engine of our State. It also provides certainty to workers who are in those businesses as to the rights and protections they have. This bill provides a great balance of protections for workers and businesses and does not undo any of the heightened liability protections that currently exist for our medical workers and schools. It does not undo any of the protections or remedies for getting sick on the job or hurt in the workplace provided under Workers' Compensation already. This tells the world and the businesses in the State of Nevada that the entertainment capital of the world cares deeply about its workforce and their families, and it cares deeply about the safety of millions of patrons that come and visit our State every year. For those reasons, I support Senate Bill No. 4.

Roll call on Senate Bill No. 4:

YEAS—16.

NAYS—Goicoechea, Hansen, Hardy, Settelmeyer, Washington—5.

Senate Bill No. 4 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

SENATOR HANSEN:

Since we are winding down, I assume *sine die* is coming pretty quickly. We have not done our job. If we are planning on *sine die*, we have left some major things undone.

The one I am most concerned about is the unemployment situation. Like most of you, I have my cell phone here, and my voice mail is 100-percent full. My personal answering machine at my home phone is 100-percent full. My emails are constantly jammed with people, literally, begging me to help them with the unemployment situation. We had a hearing, here, with the Department of Education, Training and Rehabilitation. Up until that hearing, I did not know the magnitude of the problem we have, and it is enormous. If anyone thinks Senate Bill No. 3, the little window-dressing bill we passed, is going to clear up the backlog of almost a quarter-million unprocessed claims, you are sadly mistaken. When we have \$6.2 billion paid out by DETR in a 5-month window with a potential of half of them being fraudulent, we have seen \$3 billion pass through our hands.

When I watched Director Gaa and looked at DETR's staff, what I saw was exhaustion, demoralization and discouragement because they are on overload. There is no way normal human beings trying to take care of a crisis like this with that level of staffing can even come close to what is needed.

If we have hundreds of thousands of Nevadans who have not received any unemployment compensation going back to March, we have not done anything in this Special Session or the last Special Session to address that. What we should have done is have DETR people come in and ask them what they need, what they need from the Attorney General, what additional legal help do they need, what additional IT help is needed, how much additional staffing do you need to take care of this 5-month backlog? We have failed miserably to do this in two Special Sessions.

Twenty-five percent of \$6.2 billion is \$1.5 billion. How many people, desperate for unemployment compensation, would that have helped? Did we pass any bills to dramatically increase the staffing levels of people who would investigate these sorts of things? We did not.

I have been in government for a decade and have seen many things. I was here in the 76th Session when we had the Great Recession. The representative from DETR said, in four years, 2009-2012, we did not pay out as much as we have paid out in 5 months already. There are Legislators here, in this room and in the other Chamber, who have had fraudulent claims filed in their name. What have we done to address those concerns? The answer is nothing. It is a window dressing.

We have had some exceptionally talented people in government. I think of Allen Biaggi, Mike Weldon, Jason King, and Pam and Steve Robinson. What we need to do is have a tsar, an unemployment tsar, someone who understands government and can streamline things. Our people are desperate. There are hundreds of thousands of people calling my cell phone and yours. Until DETR's hearing, I had no idea of the magnitude of dollars or the desperation and quantity of people in our State who need our help. Before we leave this building, because we cannot amend the bill, I sincerely pray to Leadership and the Executive Branch of this State to look at the real needs of Nevada.

There is no question this liability protection is needed. I am glad. I want to see the hospitality industry reopen. We have not even touched the unemployment issue now on the front side. On the backside, we have not accomplished what the business community has begged us to do. We need to delegate the authority for them to make the decisions they need to reopen, or, if necessary, close down a business to the local city councils, county commissions and school boards. Instead, we still have the one-size-fits-all policy with decisions being made in the Executive Branch. Can anyone tell me who the medical people are they are consulting with? Who are these people who advised the Governor to shut down the bars in Lander County or other places?

In two Special Sessions, we have failed miserably. We need people in the Executive Branch because we have a crisis on our hands like none other in Nevada's history. This is as great as the Great Depression, and it is substantially higher than the Great Recession. During the Great Recession, we did everything possible in this building to help businesses, not to come up with ways for the Executive Branch to randomly reach out and shut businesses down. This is a situation where we have undermined our business community, which is the driver in tax revenues for the State.

We had a 29-year-old officer shot in the back of the head by an Antifa protestor. We have not had one moment of silence for that man. He is now a quadriplegic. He has a wife and two children whose lives are now ruined. There are things worse than death. Living as a quadriplegic would definitely rank up there as one of them. We have not said one word about what this young man did and the sacrifice he has made. We have badmouthed law enforcement nonstop across this Nation, and it is an absolute disgrace. I want you in the law-enforcement community to know there are people who honor and salute you. When people like that young man make sacrifices, it is not forgotten. This happened in Nevada, and we have not said "boo," not a minute of silence, nothing for a man with a ruined life. All of those great people in law enforcement, our first responders, until recently, were the heroes of our Nation, and they have been treated like garbage. I am ashamed to say no one in this building has brought it to our attention, and we did not do anything for that man, his family or all of the great people in the law-enforcement community who protect us.

Yes, I am passionate. I am upset. We are talking about hundreds of thousands of people begging us to do something about unemployment. We have a half-million kids who want to go back to school. We practically have our entire small business community begging us to give them the freedom to reopen. They do not want a Damoclean sword hanging over their head from the Executive Branch agency who can shut them down and send spies from OSHA to try and fine them out of business and take away their business license. We just did this in this bill by giving the Secretary of the State the authority to destroy those businesses by taking away their license if OSHA or some other health-department guy signs "you ain't complying with the health regulations."

I am here to represent all of the people in the State of Nevada, not just people who belong to certain select, political organizations. Let me make it clear: we have failed and have not done our job in two Special Sessions.

I am sorry to say this to the citizens of Nevada. I am sorry to tell people on my cell phone, my home phone and emails that I cannot help them because we did not do the things in the Nevada Special Sessions that needed to be done so I could help. I apologize to all of you out there who are begging me to help; I would in a heartbeat. I become choked up when people beg me "please, I don't know what to do; I don't know who to talk to; I don't know if you're my representative; I can't pay my rent; I can't buy food; what am I going to do; can you please help me?" What do I say? I turn them over to the Legislative Counsel Bureau (LCB) because I do not have the answers. Now that I have seen the magnitude of it in DETR's hearing, it is heartbreaking we have done nothing and have spent so much time on so many issues that had nothing to do with this crisis.

I apologize if I am upset. I apologize for my passion. We should all be upset. We should all be doing this job. I am honored to be in this Body, but for right now, I am ashamed of our failure to address this problem. I believe we will be coming back in another Special Session because we failed to do our job in the first two Special Sessions.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:04 p.m.

#### SENATE IN SESSION

At 4:35 p.m.

President pro Tempore Denis presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee of the Whole:

Senate Concurrent Resolution No. 1—Urging certain actions to address the public health crisis caused by systemic racism and greatly magnified by the COVID-19 pandemic in Nevada.

Senator Spearman moved the adoption of the resolution.

Remarks by Senators Spearman, Pickard, Harris, Ratti, Cannizzaro, Cancela, Scheible, Woodhouse, Ohrenschall, Dondero Loop, Kieckhefer, Washington, Hardy, Seevers Gansert, Spearman and Denis.

## SENATOR SPEARMAN:

Senate Concurrent Resolution No. 1 urges certain actions to address the public-health crisis in Nevada. As stated by Maya Angelou: "Prejudice is a burden that confuses the past, threatens the future and renders the present inaccessible." Systemic racism and structures of racial discrimination create generational poverty, and perpetuate debilitating economic, educational and health hardships and disproportionately affect people of color, causing the most profound economic and social challenge facing Nevada. This economic and social challenge has been exacerbated by the COVID-19 pandemic. Nearly 49 percent of Nevada's population is represented by persons of color, including persons who are black, Indigenous, Hispanic, Asian or Pacific Islander and persons of more than one racial or ethnic background. Nevada is a growing and diverse State with continually shifting demographics. Racism has deep, harmful impacts and unfairly disadvantages black, Indigenous and Other Persons of Color (BIPOC) and has impeded solutions necessary to achieve racial parity. Providers of healthcare have long noted the existence of racial and ethnic disparities in our healthcare system, and these inequalities have led to a disproportionate negative impact on BIPOC communities during the COVID-19 pandemic. The disproportionate, detrimental health impacts of COVID-19 on BIPOC communities are indicated by the overrepresentation of BIPOC communities in hospitalization rates and death rates. For example, in Clark County as of August 3, 2020, according to the Southern Nevada Health District, black persons constitute 14.3 percent of hospitalizations due to COVID-19 and 15.1 percent of the deaths due to COVID-19, Hispanic persons constitute 35.5 percent of hospitalizations due to COVID-19 and 26.4 percent of the deaths due to COVID-19, and Asian or Pacific Islander persons constitute 10.9 percent of the hospitalizations due to COVID-19 and 14.5 percent of the deaths due to COVID-19. The chronic stress of racism affects the mental and physical health of the members of BIPOC communities and, in particular, affects the mental and physical health of Black Americans on a daily basis to a greater degree than other groups. Nevada residents shall have equal consideration and opportunity under the laws, policies and practices of this State. The members of the Nevada Legislature declare that systemic racism and structures of racial discrimination constitute a public-health crisis which is magnified by the disproportionately high impact of COVID-19 on communities of color and which affects the entire State of Nevada. Nevada supports local, State, regional and federal initiatives to understand, address and dismantle systemic racism and its impact on the delivery of human and social services, economic development and public safety. The members of the Nevada Legislature request that federal funding be distributed equitably based upon the percentages of members of the BIPOC communities to address issues that disproportionately impact black, Indigenous and other persons of color in direct proportion to their disadvantages by individual racial category. The members of the 32nd Special Session of the Nevada Legislature request that the 81st Regular Session of the Nevada Legislature incorporate into the regular business of the Nevada Legislature the subjects of systemic racism and structures of racial discrimination which constitute a public-health crisis and which is magnified by the disproportionately high impact of COVID-19 on communities of color.

## SENATOR PICKARD:

I support this resolution. It is well-past time. Many things are highly politicized in today's environment, especially in political discourse. Facts that seem like truths are regularly disputed on television and on social media. Some facts are undisputable, and one is the disproportionate impact

on things happening in the United States due to systemic racism. I appreciate this resolution and urge its adoption.

SENATOR HARRIS:

To those members of this Body who intend to vote on this resolution in the affirmative, I say "thank you." Personally, this means a lot to me. To those who are considering voting against the resolution, I ask you to manufacture the same amount of outrage you have about students possibly missing their senior year of high school as to the issues that people who look like me face.

SENATOR RATTI:

I want to express my gratitude to my colleague from Senate District 1 for putting in the hard work to reach out to her community and lift up the voices in that community that need to be heard by this Body. I pledge to do my best to not only vote for this today but also to do what the resolution asks, address structural or institutional racism in its many forms, be thoughtful about it. We need to make sure those voices continue to be lifted up when we return, that we not only just vote for this today because we want to be good people but also to follow those words with action in the next Legislative Session. I make my commitment to do so and ask others to do so as well. I stand in strong support of this resolution.

SENATOR CANNIZZARO:

I, too, stand in strong support of this resolution. I am grateful to discuss this today. Sometimes, it can be the hardest part, especially for those who are learning so many things from my colleague from Senate District 1 in her moving opening remarks. As we walk through this resolution, I am learning about many of these things because my life has not been affected by systemic racism. This is something I have had to learn about and am still learning about. The first step we can take is to learn and take action in some of the ways discussed in this resolution. We need to talk about it in the first instance. I am grateful for this resolution and grateful for having this conversation.

Sometimes, conversations can be uncomfortable for some of us who weigh-in to share our support. I seek to be a better ally and advocate, and much has been done this Legislative Session to address this. I was moved by some of the discussions on Assembly Bill No. 3 and certainly things discussed by my colleague from Senate District 4 in sharing her experiences. To address this in a comprehensive way and move us forward, we need to have these types of conversations not only in this Body but also in our communities, with our friends and families. I remain committed to ensure we continue this discussion and take action on its impact. I am grateful for this resolution and to my colleagues for lending their supportive voices. I urge this Body's strong support for Senate Concurrent Resolution No. 1.

SENATOR CANCELA:

I, too, rise in support of Senate Concurrent Resolution No. 1. This is a starting point and by no means an ending point. This is an official declaration that we, as a body, want to be thoughtful, inclusive, and we want to ensure, in policymaking, we address the history of institutional racism. We need to address our most vulnerable communities confronted with not only unnamable challenges but also those affected by policies which have historically left communities of color behind.

Like my colleague from the north, I pledge to continue the work of what this resolution calls for and commit to doing so as a member of this Body and as a member of a community. I ask us all to affirmatively vote for this resolution and commit to face the discomfort of asking questions that may confront our own bias, our own racism and our own ingrained thoughts and ideas taught to us through systems not designed for people like me or my family to be a part of. Let us confront the discomfort in meaningful ways to create action and lead us to do better. We owe it to Nevada and to ourselves. Thank you to my colleagues for bringing this forward, and I urge this Body's support.

SENATOR SCHEIBLE:

I also speak in support of this resolution. I want to express my gratitude for a body who considers these issues, a body who brings a concurrent resolution forward and recognizes something we all know to be true, which is racism exists. It exists in structures and institutions we are all part of, and this resolution will help us get past any stage of denial. Most of the people who

I grew up with were white; my family is white. Most of us have to reckon with our responsibility for being a part of this system and contributing to the various systems that have oppressed people of color for many generations.

To have an opportunity that is as easy as to press the green button and support a resolution that acknowledges a truth we all have to live with is a gift. This is how I see it. Over the last three or four days and over the last year-and-a-half since I have been elected, sometimes, pressing the green button or the red button is easy. Sometimes, it is hard. Sometimes, it is the last step of a long process. Sometimes, it is the first step of a long process. This is one chance where we get to vote "yes" and adopt this resolution acknowledging while we strive for equality, we are not there; while we strive for equity, we are not there; while we all value fairness, there is more to be done to be fair. I strongly support this resolution and encourage my colleagues to support it. Dig deep and think about what could possibly stop you from supporting this resolution. I hope all of us find it in our hearts to do the right thing and adopt Senate Concurrent Resolution No. 1.

SENATOR WOODHOUSE:

I, too, rise in support of Senate Concurrent Resolution No. 1. I would like to thank my colleague from Senate District 1 for bringing this forward. This resolution is appropriate at this time and long overdue. I will speak on a couple of personal situations. I hope you all understand I am speaking from the heart.

I grew up on a cattle ranch amid numerous sheep ranches near Big Timber, Montana. The first time I saw a person of color is when I went to Carroll College to become a teacher. The only two black individuals were wonderful, young men who were exchange students from Kenya. The rest of us on the entire campus were white. It is not like that today, thank goodness.

I moved to southern Nevada to serve as a third-grade teacher. In those first few years, my classes were made up of white students, wonderful, young people to work with. Midyear, two or three years into my career, my principal brought a person of color into my classroom who did not speak any English. He was from Ecuador. At that moment, my responsibilities as a first-grade teacher changed drastically. I needed to meet not only his needs but also the needs of 30-plus students in my classroom. It became apparent to me, as I have lived these many years in southern Nevada, Nevada was changing, and I wanted to help with this change.

I realized as an elected official, one of the ways we can effectuate change and right the wrongs is through education, which has been identified in this resolution. We must ensure our citizens, especially our children, they have the opportunities they deserve. I encourage all of us to work together to eliminate racism and discrimination from all areas of our lives. I urge your support of this resolution, and I pledge to be part of the solution.

SENATOR OHRENSCHALL:

I rise in support of Senate Concurrent Resolution No. 1 and urge this Body to pass it. I want to thank the Senator from Senate District 1 for sponsoring this resolution. According to national data in a recently published, online article by NPR, African-American deaths from COVID-19 are nearly two times greater than would be expected based on their fair share of the population. In four of the states they looked at, the rate is three to four times greater. In 42 states, and in the District of Columbia, Hispanics and Latinos make up the greater share of confirmed cases than their share of the population; in 8 states, it is 4 times greater. In 37 states, and in the District of Columbia, Caucasian deaths from COVID-19 are lower than their share of the population.

The federal government has recognized this problem. The Department of Health and Human Services has promulgated initiatives to address the disparate impact of COVID-19 on African-Americans and other racial and ethnic minorities. There has been progress in terms of addressing structural racism, but there is much more that needs to be done. Our State was admitted into the Union in 1864. It took 108 years until our first African-American member was seated, Senator Joe Neal, in 1972. More progress needs to be made on the front of public health and many other fronts. This resolution will be a bridge to the next regular Session, and we can accomplish much more then. I urge its support.

SENATOR DONDERO LOOP:

I rise in support of Senate Concurrent Resolution No. 1 and also thank my fellow Senator from District 1. I am extremely proud to be part of a diverse Caucus which has taught us all many

lessons in this Chamber. I, too, was raised in a mostly white neighborhood when I was young. I remember when children from what we called the "old west side" were segregated and brought to our schools. I was so fortunate because I had parents who did not say who I could have as friends or what I could or could not do because they also worked in the community.

Over the years, I have taught many students of color, and unlike my colleague, the first class I ever taught had many students of color. Those parents were just as important, just as involved and loved their children just as much as everyone else. As I grew and taught more, met different people and had friends along the way, my children grew, and now I have a family of many colors. I am so proud of my family. I cannot imagine what it would be like to worry about those kids at night or when they go to the store. I understand a tiny bit of it because I am a mother-in-law to wonderful son-in-laws who are not in that same position, but are people of color.

What I want for my grandchildren is to learn acceptance. I want them to not see color, but to see a person. One of my favorite quotes, when I talk to students about prejudice or other people, is a Maya Angelou quote: "Prejudice is a burden that confuses the past, threatens the future and renders the present inaccessible." This is so true in our lives. I hope we can think about it, process it and support this resolution.

SENATOR KIECKHEFER:

I would like to say a couple of words in favor of Senate Concurrent Resolution No. 1. Like mentioned previously, I do not have the same life experiences as some of my colleagues who, over the last couple of days, have so openly and honestly talked about it on this Floor. It does not mean I may not at some point, right? At some point, I will worry about my grandkids and my sons-in-law. While I do not have that tangible, realistic experience, I am empathetic and understand this is a real experience for many people.

When we talk about structures and systems, I bookmarked this story because it struck me so profoundly. In 2019, the Census Bureau did a study about family-household wealth and found a median white household had a net income wealth of \$39,300 compared to a black household of \$12,780. This is a bigger gap than existed before the Civil Rights Act.

There are systems in place which have affected broadening this gap; redlining, lending practices and governmental structures. As a body moving forward, we need to keep our eyes wide open to systems that do not treat people equally and find ways to overcome those gaps which, oftentimes, were deliberately instituted.

SENATOR WASHINGTON:

I support Senate Concurrent Resolution No. 1 and ask for your compassion and support. We are different in one way or another. Imagine every day you are discriminated against because you are a little different. Imagine being treated differently, discriminated against because you are short, tall, thin, fat and bald or any other description. We, as African-Americans, were born with this color and have been discriminated against because of our color. Let us take action today and erase the ills of racism and discrimination. Let us love one another and treat one another as God's Word intended.

SENATOR HARDY:

I have been trying to remember positions where I consciously noticed who was different, and more importantly, how I was in a position where I was different. I recall the time when I was at Homer G. Phillips Hospital in St. Louis, Missouri. I went from the dermatology clinic to get slides in the lab and realized I was the only white guy. It brought me to the realization this is how some people feel but in the reverse.

I went to France on a mission, and when the guy asked me for my ticket on the train, I could not understand what he said so I was dumb. As I tried to communicate with people, I realized my stupidity was looked at with stupidity and so I was unique and different and not appreciated. I realized an interesting thing; there was a light that came on, and I realized when I understood their jokes, then I was no longer stupid. I could understand things.

If we are not paying attention to the education of people, no matter who they are, we will be putting an undeserved label on them. I anticipate this resolution to be inclusive of education. As we all become educated, as opposed to just some of us, we will find that I am no longer stupid. I will not be looked at that and be able to enjoy conversing with people, and they will be able to



appreciate how we have more in common than we have difference. I will be supporting the resolution.

SENATOR SEEVERS GANSERT:

I want to thank my colleague from Senate District 1 for bringing this resolution. Something I have noticed on the Floor is everyone has personal experiences. It brings to mind your past, whether you were in school or a resident or whatever you were doing. What I appreciate in this Body is we have such great diversity, and we have diversity in our State. Those different perspectives help inform the decisions we make. When my colleagues shared personal experiences, and maybe their fears for their children and what could happen in the future, it felt tangible and real. It is moving.

I am a mother of four. My children have been in communities much different than how I grew up. They have been in diverse communities, and they help inform me when I make decisions. I feel fortunate to be a member of this Body and have colleagues who bring their experiences to us and make us more aware of their lives and the challenges they face. I am also fortunate my children are growing up in a place with diverse communities. It is my hope they do not have the biases and prejudices of the past. We are growing as a body, as a community and as a state to support each other as one.

SENATOR SPEARMAN:

I want to express my gratitude to all of my colleagues who have taken the time to think about this and express their support. Many times, it is difficult to put into words an experience you have had, maybe so unlike anyone else's, that when you describe it, people look at you as though it cannot be true. In some cases, I have been told some of my experiences are not true.

I want us to think about what structural racism really is. I want to read a definition because I know the term "racism" gets bantered around and people confuse it with a number of other things or conflate it with some other things: "Racism structures opportunity and assigns value based on how a person looks. The result: conditions that unfairly advantage some and unfairly disadvantage others. Racism hurts the health of our Nation by preventing some people the opportunity to attain their highest level of health."

There may be some who think this is out of line because it is not COVID-related, but I beg to differ. What we are talking about in terms of health disparities have always existed. They have always existed. COVID has pulled back the curtain and allowed the rest of the world to see what people like me have experienced their entire life.

I cannot tell you how it feels. I am deeply hurt when I think about my brothers. I think about my son, my nephews, every time they walk out the door. Every time they go someplace, I am in a panic until I know they have gotten there safely. Every year for Session, one of my nephews has driven my vehicle up here, and I am always careful to tell him, "please leave early; leave while it is light, and try to make it here before it gets dark." I say that because I do not know what will happen to him.

Some people may think this is not COVID-related. In 2016, one of my sisters, who was just 52, called me. I had just arrived into D.C. for a meeting with the Victory Fund. I was told my sister was hurting real bad, and they did not know what was going on. I told them to go to the doctor, get to the doctor. Nieces took her to the doctor, and she was on a gurney in the emergency room for about four hours. The doctor came in, and she was trying to tell him how she felt and how long it had been hurting. My nieces were trying to tell him the same thing. They were trying to stress to him something was going on here. He spent all of ten minutes talking to her and told her, at 2:00 in the morning, to go home and call him in the morning. Thirteen hours later, she was dead. That was my sister, but this story is prevalent in the African-American community. Many times when we present to the medical community, our complaints are discounted.

The Assemblywoman from Assembly District 1 had a bill last Session to make us look at disparities in terms of the mortality rate at childbirth. When I think about structural racism, it is not a dictionary definition; it is my life. It is the lives of my family members, and it is the lives of many people in my community. I am not asking people to agree with me. I just want you to know this is what it feels like to live in a black body in this Country and in many other parts of the world.

We have another example of what this looks like. Just a few days ago in rural Colorado, a mother and her children were in a shopping mall. One of the witnesses said the police car slowly

pulled up behind the family. The officers drew their weapons on the family and ordered them out of the car. Several of the children were handcuffed. They stopped them because they said the license plate matched a license plate from a stolen motorcycle. I am not Einstein, but I certainly know the difference between an SUV and a motorcycle. Anyone who cannot tell the difference should not be outside by themselves. They had these children, some as young as six years old, face down on the pavement, and it was hot. It was during the time of day where they advise you to not even take your dogs out because the pavement is too hot. There was no reason they were stopped. This happens over and over and over again.

Senate Concurrent Resolution No. 1 is the first step. I hope with all of my heart we can pass this resolution unanimously and make the statement in Nevada that racism, in any form, is not welcome here. Home means Nevada. It must mean equality and equity for everyone. I want to thank Governor Sisolak for his Proclamation acknowledging the same. In many circles, it is said if you do not face a problem, you can never fix it. It is our first step in facing this problem. The next steps will come in the 81st Session.

SENATOR DENIS:

I appreciate the passion you bring in sharing your experiences and bringing Senate Concurrent Resolution No. 1 forward. I am grateful for the opportunity for us, as a group, to have this discussion. Being the son of Cuban immigrants, we moved around a lot when I was little. I appreciate my parents teaching me to love everyone and treat everyone like you want to be treated. This resolution helps us do that.

One thing about this resolution is the word "understand"; it says "understand, address and dismantle." For us to fix and dismantle systemic racism, we have to understand it. This starts here with us. It starts with each one of us, and every individual has to do it.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 5:20 p.m.

#### SENATE IN SESSION

At 11:45 p.m.

President pro Tempore Denis presiding.

Quorum present.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, August 5, 2020

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 4.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 1.

CAROL AIELLO-SALA  
*Assistant Chief Clerk of the Assembly*

#### UNFINISHED BUSINESS

##### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 4.

The following Assembly amendment was read:

Amendment No. 7.

SUMMARY—Revises provisions relating to public health. (BDR 40-16)

AN ACT relating to public health; providing certain powers and duties in certain circumstances to a district health department in certain larger counties relating to public health in licensed gaming establishments; requiring the Department of Health and Human Services to establish minimum standards for cleaning in public accommodation facilities in certain counties; requiring the Department to adopt regulations requiring such a facility to adopt protocols and plans concerning the prevention of and response to SARS-CoV-2; providing for inspection of such facilities for compliance with such requirements; limiting the civil liability of certain businesses conducted for profit, governmental entities and private nonprofit organizations for personal injury or death resulting from exposure to COVID-19; authorizing the Secretary of State to suspend the state business license of a person that does not comply with certain health standards related to COVID-19; requiring the transfer of certain money to certain health districts for enforcement purposes; making an appropriation; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law: (1) creates a health district in a county whose population is 700,000 or more (currently only Clark County); and (2) authorizes the board of county commissioners and the governing bodies of any towns or cities in a smaller county to create a health district. (NRS 439.361, 439.362, 439.370) Existing law provides for the creation of a district health department in a health district. (NRS 439.362, 439.370) Sections 1 and 2 of this bill: (1) require a district health department in a county whose population is 100,000 or more (currently Clark and Washoe Counties), upon the request of the Nevada Gaming Control Board, to advise the Board concerning public health matters relating to licensed gaming establishments in the health district; and (2) authorize such a district health department, upon the request of the Board, to enforce regulations adopted by the Board concerning matters of public health against such an establishment.

Sections 3-15 of this bill generally: (1) require the Director of the Department of Health and Human Services and district boards of health in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt by regulation requirements to reduce and prevent the transmission of SARS-CoV-2 in public accommodation facilities in those counties which apply only during the duration of a declaration of a public health emergency due to SARS-CoV-2 and during other periods in which conditions concerning the prevalence of SARS-CoV-2 exist; and (2) provide for the enforcement of those regulations.

Section 11 of this bill requires the Director to adopt regulations requiring a public accommodation facility to establish standards for the cleaning of public accommodation facilities that are designed to reduce the transmission of SARS-CoV-2. Section 12 of this bill requires the Director to adopt regulations requiring each public accommodation facility to establish protocols to:

(1) limit the transmission of SARS-CoV-2; and (2) train staff concerning the prevention and mitigation of SARS-CoV-2 transmission.

Section 13 of this bill requires the Director to adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan that provides testing and time off for employees who have been exposed to SARS-CoV-2 or are experiencing the symptoms of COVID-19. Section 13 authorizes: (1) the Nevada Gaming Control Board to require a public accommodation facility under its jurisdiction to submit a copy of its written SARS-CoV-2 response plan to the Board; and (2) the health authority to require a public accommodation facility that is not under the jurisdiction of the Board to submit a copy of its written SARS-CoV-2 response plan to the health authority. Sections 13, 32 and 33 of this bill provide for the confidentiality of those plans. Section 14 of this bill requires the Director to adopt regulations prohibiting a public accommodation facility from retaliating against an employee for participating in proceedings related to sections 3-15 or seeking enforcement of those provisions.

Section 31 of this bill exempts the regulations that the Director is required to adopt in sections 11-14 from the requirements of the Nevada Administrative Procedure Act concerning the adoption, amendment or repeal of regulations. However, section 10 of this bill requires the Director to allow any interested person to comment on the adoption, amendment or repeal of those regulations. Section 10 also prohibits the Director from adopting regulations more stringent than necessary to carry out the requirements of this bill. Section 15 of this bill requires a district board of health of a health district in a county whose population is 100,000 or more to adopt regulations that are substantively identical to the regulations adopted by the Director in sections 11-14 and to subsequently amend or repeal its regulations in a conforming manner. Section 14 provides for the enforcement by the health authority and the Nevada Gaming Control Board of the regulations adopted pursuant to and other provisions of sections 11-15. Sections 16-22 of this bill make conforming changes.

Section 29 of this bill provides that certain businesses conducted for profit, governmental entities and private nonprofit organizations are immune from civil liability for personal injury or death resulting from exposure to COVID-19, if the business, governmental entity or private nonprofit organization substantially complied with controlling health standards. Section 29 also: (1) requires the complaint in any such civil action to be pled with particularity; and (2) provides that such immunity does not apply if the business, governmental entity or private nonprofit organization violated controlling health standards with gross negligence and the gross negligence was the proximate cause of the personal injury or death. Section 29 requires the court, as a matter of law, to determine substantial compliance with controlling health standards. Section 34 of this bill provides that these procedures apply to any cause of action or claim that accrues before, on or after the effective date of this bill and before the later of: (1) the date on which

the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or (2) July 1, 2023.

Section 30 of this bill authorizes the Secretary of State to suspend the state business license of a person holding a state business license who does not comply with controlling health standards. Section 30 requires the Secretary of State to provide notice of the suspension to the person. Section 39 of this bill provides that the authority to suspend a state business license expires by limitation on the later of the following dates: (1) the date on which the Governor terminates the emergency described in the Declaration of Emergency issued on March 12, 2020; or (2) July 1, 2023.

Section 33.5 of this bill makes an appropriation from the State General Fund to the Legislative Fund for the costs of the 32nd Special Session.

Section 35 of this bill transfers certain money to the applicable health districts to enforce sections 3-15 and the regulations adopted pursuant thereto. Section 36 of this bill requires the Director and applicable district boards of health to adopt the regulations required by sections 11-15 by a prescribed date.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.366 is hereby amended to read as follows:

439.366 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district.

3. *The district health department:*

(a) *Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

(b) *May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

4. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) Provide for the sanitary protection of water and food supplies;

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district; and

(e) Improve the quality of health care services for members of minority groups and medically underserved populations.

~~{4-}~~ 5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

~~{5-}~~ 6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

~~{6-}~~ 7. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

Sec. 2. NRS 439.410 is hereby amended to read as follows:

439.410 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of chapter 450B of NRS.

3. *The district health department in a county whose population is 100,000 or more but less than 700,000:*

(a) *Shall, upon the request of the Nevada Gaming Control Board, advise and make recommendations to the Board on public health matters related to an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

(b) *May, upon the request of the Nevada Gaming Control Board, enforce regulations adopted by the Board concerning matters of public health against an establishment that possesses a nonrestricted gaming license as described in NRS 463.0177 or a restricted gaming license as described in NRS 463.0189 in the health district.*

4. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations

consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

- (a) Prevent and control nuisances;
- (b) Regulate sanitation and sanitary practices in the interests of the public health;
- (c) Provide for the sanitary protection of water and food supplies; and
- (d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district.

~~{4}~~ 5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

- (a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.
- (b) State each address at which the text of the proposal may be inspected and copied.
- (c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the district board for such purpose.

~~{5}~~ 6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board may proceed immediately to act upon any written submissions. The district board shall consider fully all written and oral submissions respecting the proposal.

~~{6}~~ 7. Each district board of health shall file a copy of all of its adopted regulations with the county clerk of each county in which it has jurisdiction.

Sec. 3. Chapter 447 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 15, inclusive, of this act.

Sec. 4. 1. *The provisions of sections 4 to 15, inclusive, of this act apply to a county whose population is 100,000 or more.*

2. *The regulations adopted pursuant to sections 11 to 15, inclusive, of this act and, except as otherwise provided in subsection 3, the powers, requirements and prohibitions set forth in provisions of sections 4 to 15, inclusive, of this act apply:*

(a) *During any period in which a public health emergency due to SARS-CoV-2 has been declared by the Governor and remains in effect; or*

(b) *Each day on which:*

(1) *The rate of positive test results for SARS-CoV-2 in the county reported by the Division of Public and Behavioral Health of the Department exceeds 5 percent in any rolling 14-day period in the 90-day period immediately preceding that day; or*

(2) *The number of new COVID-19 cases in the county reported by the Division of Public and Behavioral Health of the Department exceeds 100 new cases per 100,000 residents in any rolling 14-day period in the 90-day period immediately preceding that day.*

3. *The provisions of subsection 2 do not apply to the requirements relating to the adoption, amendment or repeal of regulations pursuant to sections 11 to 15, inclusive, of this act.*

Sec. 5. *As used in sections 4 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Director" means the Director of the Department of Health and Human Services.*

Sec. 7. *"Employee" means any natural person in the service of an employer operating a public accommodation facility who provides such service under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed.*

Sec. 8. *"Health authority" means the officers and agents of the district health department or, in a location that is not part of a health district, the officers and agents of the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 9. *"Public accommodation facility" or "facility" means a hotel and casino, resort, hotel, motel, hostel, bed and breakfast facility or other facility offering rooms or areas to the public for monetary compensation or other financial consideration on an hourly, daily or weekly basis.*

Sec. 10. 1. *Any regulation adopted, amended or repealed by the Director pursuant to sections 11 to 14, inclusive, of this act must not exceed or be inconsistent with the requirements of those sections.*

2. *The Director must allow any interested person a reasonable opportunity to submit written or oral comment concerning the amendment or repeal of a regulation pursuant to sections 11 to 14, inclusive, of this act.*

Sec. 11. 1. *The Director shall adopt regulations requiring a public accommodation facility to establish standards for cleaning that are designed to reduce the transmission of SARS-CoV-2. Those standards must require only the following and with no greater frequency than provided in this section: (a) The use of cleaning products that are qualified by the United States Environmental Protection Agency for use against SARS-CoV-2 for the cleaning required by paragraphs (b) to (p), inclusive.*

*(b) Desks, tabletops, minibars that have been used after the most recent cleaning, interior and exterior handles of doors, faucets, toilets, nonporous headboards of beds, light switches, remote controls, telephones, keyboards, touch screens, bed linens, towels, bed scarves and other decorative items on beds in guest rooms to be cleaned every day that the room is in use unless the guest using the room declines in-room housekeeping.*

*(c) The following high-contact areas and items in locations used by the public and employees to be cleaned regularly throughout the day while in use:*



(1) Fixtures with which guests and employees may be expected to have regular physical contact;

(2) Doors and door handles at exterior entrances;

(3) Door handles at interior entrances regularly accessed by guests and employees;

(4) Regularly used computer keyboards, touch screens, credit card readers, printers, telephones, light switches, ice machines, vending machines and other frequently used instruments and equipment; and

(5) Countertops and desks in entrance areas and other high-usage areas.

(d) Glass surfaces, desks, tabletops, door handles and light switches in public areas to be cleaned regularly throughout the day while in use.

(e) Counters, desks, touch screens, keyboards, credit card readers and desktops in front desk areas to be cleaned regularly throughout the day while in use.

(f) Key cards and other types of keys for accessing rooms to be cleaned before those key cards or other keys are issued to another guest or removed from circulation for at least 24 hours after a guest checks out.

(g) Elevator buttons and rails in guest and service elevators to be cleaned regularly throughout the day if the elevator is in use.

(h) Sinks, faucets, walls, toilets, toilet paper dispensers and door handles in employee and public restrooms to be cleaned regularly throughout the day while in use.

(i) Work surfaces, tables, utensils, counters, touch screens and keyboards in areas used for food preparation to be cleaned regularly throughout the day.

(j) Tables, desks, tabletops, door handles and light switches in shared offices, employee locker rooms and employee cafeterias to be cleaned regularly throughout the day while in use.

(k) Exercise equipment, weights, tables, countertops, chairs, lockers and benches in fitness centers to be cleaned regularly throughout the day while in use.

(l) Tabletops in meeting rooms to be cleaned while in use.

(m) Tables, bartops, menus and check presentation holders in bar and dining facilities to be cleaned after use by a guest.

(n) Touch screens and keyboards in bar and dining facilities to be cleaned regularly while in use.

(o) Soiled laundry to be cleaned as necessary.

(p) Laundry carts and hampers to be cleaned regularly throughout the day while in use.

2. A public accommodation facility shall not advise or incentivize guests to decline daily in-room housekeeping.

3. An employer operating a public accommodation facility shall conspicuously post at each employee entrance and on each bulletin board where the facility regularly posts official communications with employees:

(a) A one-page summary of the standards adopted pursuant to subsection 1; and

*(b) A list of key contact persons at public health agencies.*

*4. An employer operating a public accommodation facility shall make available to employees or their bargaining representative a physical or electronic copy of the standards adopted pursuant to subsection 1 upon request at no cost.*

*Sec. 12. The Director shall adopt regulations requiring each public accommodation facility to establish protocols to:*

*1. Limit the transmission of SARS-CoV-2. Such protocols, must include only the following:*

*(a) Methods to encourage, to the extent reasonably possible:*

*(1) Employees to remain at least 6 feet apart from other employees and guests during their work and while on break.*

*(2) Guests to remain at least 6 feet apart from employees and other guests.*

*(b) A requirement that employee breaks must be structured to allow social distancing to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

*(c) A requirement that workstations must be separated by physical barriers or structured to allow social distancing where practicable to the maximum extent recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.*

*(d) Requirements concerning the frequency of hand cleaning for employees.*

*(e) A requirement that each employee be provided with access to a sink with soap and water for hand washing or hand sanitizer containing at least 60 percent alcohol within reasonable proximity to the work area of the employee.*

*(f) Policies providing for the availability of hand sanitizer containing at least 60 percent alcohol near locations where employee meetings are held, breakrooms and cafeterias for employees, front desks, bell desks, lobbies, entrances to food and beverage service and preparation areas, principal entrances to the facility and, in a resort hotel, on the casino floor, if:*

*(1) Those areas are not near hand washing facilities with soap and water; and*

*(2) A supply of hand sanitizer containing at least 60 percent alcohol is generally available.*

*(g) Policies for the distribution, at no cost to the employee, of masks and, where appropriate, gloves, based on public health concerns.*

*2. Train staff concerning the prevention and mitigation of SARS-CoV-2 transmission in the manner prescribed by the Director.*

*Sec. 13. 1. The Director shall adopt regulations requiring each public accommodation facility to establish, implement and maintain a written SARS-CoV-2 response plan designed to monitor and respond to instances and potential instances of SARS-CoV-2 infection among employees and guests. The plan must include only the following:*

(a) *The designation of a person or persons responsible for overseeing and carrying out on-site enforcement of the plan. The regulations must not require such a person or persons to be on-site at all times.*

(b) *A requirement that each new employee and each employee returning to work for the first time after March 13, 2020, must undergo testing for SARS-CoV-2, if such testing is available.*

(c) *The designation of an area of the public accommodation facility where employees will check in every day to receive contact-free temperature measurement and review questions to screen for exposure to SARS-CoV-2.*

(d) *Requirements that:*

(1) *The public accommodation facility must notify each employee who is known to have had close contact with a guest or employee who has been diagnosed with COVID-19 not later than 24 hours or as soon as practicable after the employer learns of the diagnosis; and*

(2) *Each such employee must undergo testing for SARS-CoV-2 and, in addition to any other leave to which the employee is entitled, be given:*

(I) *Not more than 3 days of paid time off to await testing and testing results; and*

(II) *Additional paid time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.*

(e) *A requirement that each employee who otherwise has a reasonable belief or has been advised that he or she has been in close contact with a person who has tested positive for SARS-CoV-2 must undergo testing for SARS-CoV-2.*

(f) *Requirements that each employee who notifies his or her employer that he or she is experiencing symptoms of COVID-19:*

(1) *Must undergo testing for SARS-CoV-2; and*

(2) *Must not return to work while awaiting the results of that testing.*

(g) *Requirements that each employee described in paragraph (e) or (f) must, in addition to any other leave to which the employee is entitled, be given for the first occurrence on which the employee gives the employer such notification:*

(1) *Not more than 3 days of paid time off to await testing and testing results; and*

(2) *Additional paid time off if the public accommodation facility receives documentation of a delay in testing or receiving testing results that exceeds 3 days.*

(h) *A requirement that, except as otherwise provided in subsection 3, each employee who tests positive for SARS-CoV-2 or is otherwise diagnosed with COVID-19 and is working or has been recalled to work at the time of the result or diagnosis must be allowed to take at least 14 days off, at least 10 of which must be paid time off.*

(i) *A requirement that testing for SARS-CoV-2 required by this section must be:*

(1) *Provided at no cost to the employee; and*

(2) *Performed on-site or at a testing facility selected by the public accommodation facility.*

(j) *A requirement that an employee that is required to be tested pursuant to this section authorize the provision of or provide the testing results to the public accommodation facility;*

(k) *A requirement that any guest who reports testing positive for SARS-CoV-2 or being diagnosed with COVID-19 must be requested to leave the public accommodation facility if practicable and seek medical attention.*

(l) *A requirement that information pertaining to employees and guests who test positive for SARS-CoV-2 or who are diagnosed with or report symptoms of COVID-19 must be kept confidential, unless the employee or guest agrees otherwise and except as required to be disclosed to public health officials and for purposes of contract tracing or cleaning.*

2. *The regulations adopted pursuant to this section must define the term "close contact" to have the meaning most recently ascribed to it by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services for the purpose of determining when a person has been in close contact with another person who has tested positive for SARS-CoV-2.*

3. *An employer who operates a public accommodation facility may submit a request to the Director to increase or decrease the amount of days off required by paragraph (h) of subsection 1. The Director may grant such a request if it is consistent with the recommendations of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning time off for employees who test positive for SARS-CoV-2 or are otherwise diagnosed with COVID-19.*

4. *For the purposes of this section, paid time off must be calculated at the base rate of pay for the employee. Paid time off taken pursuant to this section:*

(a) *Must not be deducted from paid time off provided to the employee pursuant to NRS 608.0197 or a policy or contract of the public accommodation facility.*

(b) *May be deducted from paid sick leave provided pursuant to section 5102(a)(1)-(3) of the Families First Coronavirus Response Act, P.L. 116-127.*

5. *The health authority may require a public accommodation facility that is not under the jurisdiction of the Nevada Gaming Control Board to submit a written SARS-CoV-2 response plan to the health authority. Except as otherwise provided in this section and notwithstanding any other law, a written SARS-CoV-2 response plan submitted to the health authority is confidential. The health authority may disclose all or a part of such a plan upon:*

(a) *The request of an authorized agent of the Federal Government, a foreign government or a state or local governmental entity in this State or any of the several states, territories, possessions and dependencies of the United States, the District of Columbia or Puerto Rico.*

(b) *The order of a court of competent jurisdiction.*

*(c) Specific authorization of the chief administrative officer of the health district or, in a location that is not part of a health district, the Chief Medical Officer.*

*6. The Nevada Gaming Control Board may require a public accommodation facility that is under the jurisdiction of the Board to submit a written SARS-CoV-2 response plan to the Board, either alone or as part of an emergency response plan adopted pursuant to NRS 463.790.*

*7. The provisions of this section must not be construed to preclude an employee who is exposed to or tests positive for SARS-CoV-2 or is diagnosed with COVID-19 from choosing to perform his or her duties remotely instead of taking time off if the job duties of the employee are conducive to remote work.*

*Sec. 14. 1. The health authority may, upon receiving a complaint or at any time, inspect a public accommodation facility to ensure compliance with the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. The health authority shall inspect for such compliance:*

*(a) Except as otherwise provided in paragraph (b), each public accommodation facility with more than 200 rooms available for sleeping accommodations at least once every 3 months.*

*(b) Each resort hotel at least once every 2 months.*

*2. Upon discovering a violation of the provisions of sections 4 to 15, inclusive, of this act or the regulations adopted pursuant thereto and after notice and the opportunity for a hearing, the health authority:*

*(a) Shall order the public accommodation facility to correct the violation.*

*(b) May impose an administrative fine of not more than \$500 for each initial violation or \$1,000 for each second or subsequent violation.*

*(c) If the violation occurs at a public accommodation facility that is not a resort hotel, may notify any local governmental entity responsible for licensing or regulating the public accommodation facility. Upon receiving such notification, the local governmental entity shall review the violation and may take further action, including, without limitation, suspending or revoking the license of the public accommodation facility, to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. Such action must be taken in accordance with any procedures established by the local governmental entity for actions to enforce statutes or regulations or impose disciplinary action generally.*

*(d) If the violation occurs at a facility subject to the jurisdiction of the Nevada Gaming Control Board, shall notify the Board. Upon receiving such notification, the Board may take further action to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted pursuant thereto. Such action must be taken in accordance with any procedures established by the Board for actions to enforce statutes or regulations or impose disciplinary action generally.*

3. *The Director shall adopt regulations prohibiting a public accommodation facility from discharging, reducing the compensation of, increasing the workload of, imposing fees or charges on, changing the duties of or otherwise taking adverse action against an employee in retaliation for participating in proceedings related to sections 4 to 15, inclusive, of this act, or seeking enforcement of those provisions.*

4. *As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865.*

Sec. 15. 1. *Within 15 days after the adoption, amendment or repeal of a regulation by the Director pursuant to sections 11 to 14, inclusive, of this act, a district board of health shall, as applicable, adopt a substantively identical regulation or amend or repeal its substantively identical regulation in a conforming manner.*

2. *The provisions of subsections 5 and 6 of NRS 439.366 or subsections 5 and 6 of NRS 439.410, as applicable, do not apply to the adoption, amendment or repeal of a regulation by a district board of health pursuant to subsection 1.*

Sec. 16. NRS 447.003 is hereby amended to read as follows:

447.003 ~~As used in this chapter,~~ *NRS 447.003 to 447.210, inclusive, unless the context otherwise requires, the words and terms defined in NRS 447.007 and 447.010 have the meanings ascribed to them in those sections.*

Sec. 17. NRS 447.020 is hereby amended to read as follows:

447.020 1. All bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, used in any hotel in this state must be kept clean and free from all filth or dirt.

2. No bedding, bedclothes or bed covering, including mattresses, quilts, blankets, sheets, pillows or comforters, shall be used which is worn out or unsanitary for use by human beings according to the true intent and meaning of ~~this chapter,~~ *NRS 447.003 to 447.210, inclusive.*

Sec. 18. NRS 447.050 is hereby amended to read as follows:

447.050 It is unlawful for any person to use, or to permit another person to use, any of the following portions of a hotel for living or sleeping purposes:

1. Any kitchen, cellar, hallway, water closet, bath, shower compartment, or slop-sink room.

2. Any other room or place which does not comply with the provisions of ~~this chapter,~~ *NRS 447.003 to 447.210, inclusive, or in which, in the judgment of the health authority, living or sleeping is dangerous or prejudicial to life or health by reason of an overcrowded condition, a want of light, windows, ventilation or drainage, dampness, or offensive or obnoxious odors or poisonous gases in the room or place, or a lack of exits as required by the Uniform Building Code in the form most recently adopted before January 1, 1985, by the International Conference of Building Officials.*

Sec. 19. NRS 447.150 is hereby amended to read as follows:

447.150 1. The health authority may exempt any hotel built prior to October 1, 1945, from having the number of water closets, bathtubs or showers required by ~~[this chapter]~~ NRS 447.003 to 447.210, inclusive, for the following reason: The exemption will not result in detriment to the health of the occupants or to the sanitation of the building.

2. The health authority has no authority under this section to exempt any hotel or portion of a hotel built after October 1, 1945, from having the number of water closets, bathtubs or showers required by ~~[this chapter]~~ NRS 447.003 to 447.210, inclusive.

Sec. 20. NRS 447.190 is hereby amended to read as follows:

447.190 The health authority is charged with the enforcement of ~~[this chapter]~~ NRS 447.003 to 447.210, inclusive. The health authority shall keep a record of hotels inspected, and the record or any part thereof may, in the discretion of the health authority, be included in the biennial report to the Director of the Department of Health and Human Services.

Sec. 21. NRS 447.200 is hereby amended to read as follows:

447.200 The health authority shall have access at any time to any hotel in this State for the purpose of making inspections and carrying out the provisions of ~~[this chapter]~~ NRS 447.003 to 447.210, inclusive.

Sec. 22. NRS 447.210 is hereby amended to read as follows:

447.210 1. Every proprietor, owner, manager, lessee or other person in charge of any hotel in this state who fails to comply with the provisions of NRS 447.003 to 447.200, inclusive, or any of the provisions of the regulations hereby established whether through the acts of himself or herself, his or her agent or employees is guilty of a misdemeanor.

2. Every day that any hotel is in violation of any of the provisions of ~~[this chapter]~~ NRS 447.003 to 447.200, inclusive, constitutes a separate offense.

Sec. 23. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 29, inclusive, of this act.

Sec. 24. *As used in sections 24 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 to 28, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 25. 1. *"Business" means a natural person, or a corporation, partnership, association or other business organization, engaging in an activity for profit at a premises located in this State.*

2. *The term does not include a business that operates:*

(a) *An agency to provide nursing in the home as defined in NRS 449.0015;*

(b) *A facility for hospice care as defined in NRS 449.0033;*

(c) *A facility for intermediate care as defined in NRS 449.0038;*

(d) *A facility for skilled nursing as defined in NRS 449.0039;*

(e) *A hospital as defined in NRS 449.012; or*

(f) *An independent center for emergency medical care as defined in NRS 449.013.*

Sec. 26. *"COVID-19" means:*

1. The novel coronavirus identified as SARS-CoV-2;
2. Any mutation of the novel coronavirus identified as SARS-CoV-2; or
3. A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

Sec. 27. 1. "Governmental entity" means the State of Nevada or any of its agencies or political subdivisions. As used in this subsection, "political subdivision" includes any organization or entity described in NRS 41.0305.

2. The term does not include any public school entity for pupils in preschool, kindergarten, or any grades 1 through 12, including, without limitation, a school district, a charter school or a university school for profoundly gifted pupils.

Sec. 28. 1. "Nonprofit organization" means any private organization not operated for profit.

2. The term, includes, without limitation, an organization for youth sports or an alumni, charitable, civic, educational, fraternal, patriotic, religious, labor or veterans' organization, a credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act, or a state or local bar association, that:

(a) Has been determined pursuant to NRS 372.326 to be created for religious, charitable or educational purposes; or

(b) Qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c).

3. The term does not include a nonprofit organization that operates:

(a) An agency to provide nursing in the home as defined in NRS 449.0015;

(b) A facility for hospice care as defined in NRS 449.0033;

(c) A facility for intermediate care as defined in NRS 449.0038;

(d) A facility for skilled nursing as defined in NRS 449.0039;

(e) A hospital as defined in NRS 449.012; or

(f) An independent center for emergency medical care as defined in NRS 449.013.

Sec. 29. 1. In any civil action where a plaintiff alleges a personal injury or death as a result of exposure to COVID-19 while on a premises owned or operated by an entity, or during an activity conducted or managed by the entity:

(a) The complaint must be pled with particularity.

(b) If the entity was in substantial compliance with controlling health standards, the entity is immune from liability unless the plaintiff pleads sufficient facts and proves that:

(1) The entity violated controlling health standards with gross negligence; and

(2) The gross negligence was the proximate cause of the plaintiff's personal injury or death.

(c) If the entity was not in substantial compliance with controlling health standards:



(1) *The plaintiff may pursue any claim recognized at common law or by statute; and*

(2) *The immunity described in paragraph (b) does not apply to the entity.*

2. *The court shall determine as a matter of law whether an entity was in substantial compliance with controlling health standards at the time of an alleged exposure to COVID-19. The plaintiff has the burden of establishing the entity was not in substantial compliance with controlling health standards.*

3. *As used in this section:*

(a) *"Controlling health standards" means any of the following that are clearly and conspicuously related to COVID-19 and that prescribed the manner in which an entity must operate at the time of the alleged exposure:*

(1) *A federal, state or local law, regulation or ordinance; or*

(2) *A written order or other document published by a federal, state or local government or regulatory body.*

(b) *"Entity" means a business, governmental entity or nonprofit organization and the officers and employees of the business, governmental entity or nonprofit organization.*

(c) *"Premises" means any real property located in this State.*

(d) *"Substantial compliance" means the good faith efforts of an entity to help control the spread of COVID-19 in conformity with controlling health standards. The entity may demonstrate substantial compliance by establishing policies and procedures to enforce and implement the controlling health standards in a reasonable manner. Isolated or unforeseen events of noncompliance with the controlling health standards do not demonstrate noncompliance by the entity.*

Sec. 30. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In addition to the grounds for suspension or revocation of a state business license set forth in NRS 76.170, if a person who holds a state business license fails to comply with controlling health standards, the Secretary of State may suspend the state business license of the person until the person complies, in good faith, with controlling health standards.*

2. *If the license is suspended, the Secretary of State shall provide written notice of the action to the person who holds the state business license.*

3. *As used in this section:*

(a) *"Controlling health standards" means any of the following that are clearly and conspicuously related to COVID-19 and that prescribed the manner in which a business must operate at the time the person allegedly failed to comply:*

(1) *A federal, state or local law, regulation or ordinance; or*

(2) *A written order or other document published by a federal, state or local government or regulatory body.*

(b) *"COVID-19" means:*

(1) *The novel coronavirus identified as SARS-CoV-2;*

(2) *Any mutation of the novel coronavirus identified as SARS-CoV-2; or*

(3) *A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.*

Sec. 31. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The Governor.
- (b) Except as otherwise provided in NRS 209.221, the Department of Corrections.
- (c) The Nevada System of Higher Education.
- (d) The Office of the Military.
- (e) The Nevada Gaming Control Board.
- (f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.
- (g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.
- (h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.
- (i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.
- (j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.
- (k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- (l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.
- (m) The Silver State Health Insurance Exchange.
- (n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

- (a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;
  - (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;
  - (c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and
  - (d) NRS 90.800 for the use of summary orders in contested cases,
- ↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130; ~~for~~

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075 ~~for~~; or

(h) *The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to sections 11 to 14, inclusive, of this act.*

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 32. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160,

200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221,

641.325, 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 13 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 33. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system, relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; ~~for~~

(e) *Obtained by the Board from a public accommodation facility pursuant to section 13 of this act; or*

(f) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing, ~~are~~ are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such

information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Notwithstanding any other provision of state law, if any applicant or licensee provides or communicates any information and data to an agent or employee of the Board or Commission in connection with its regulatory, investigative or enforcement authority:

(a) All such information and data are confidential and privileged and the confidentiality and privilege are not waived if the information and data are shared or have been shared with an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country in connection with its regulatory, investigative or enforcement authority, regardless of whether such information and data are shared or have been shared either before or after being provided or communicated to an agent or employee of the Board or Commission; and

(b) The applicant or licensee has a privilege to refuse to disclose, and to prevent any other person or governmental agent, employee or agency from disclosing, the privileged information and data.

7. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

8. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

9. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

10. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

11. For the purposes of this section, "information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.

Sec. 33.5. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of \$410,000 for the costs of the 32nd Special Session.

Sec. 34. The provisions of sections 24 to 29, inclusive, of this act apply only to a cause of action or claim arising from a personal injury or death specified in section 29 of this act that accrues before, on or after the effective date of this act and before the later of:

1. The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or
2. July 1, 2023.

Sec. 35. 1. Within 15 days after the effective date of this act, the Chief of the Budget Division of the Office of Finance created by NRS 223.400 shall transfer from Budget Account 101-1327:

(a) The sum of \$2,000,000 to the Southern Nevada Health District created pursuant to NRS 439.362 to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted thereto.

(b) The sum of \$500,000 to the Washoe County Health District created pursuant to NRS 439.370 to enforce the provisions of sections 4 to 15, inclusive, of this act and the regulations adopted thereto.

2. All money transferred pursuant to subsection 1 must be expended by the recipient health district on or before December 30, 2020. Any remaining balance of the money must not be committed for expenditure on or after December 30, 2020, by the recipient health district or any entity to which the money is granted or otherwise transferred in any manner, and any portion of the money remaining must not be spent for any purpose after December 30, 2020, by either the recipient health district or the entity to which the money was subsequently granted or transferred, and must be reverted to Budget Account 101-1327 on or before December 30, 2020.

Sec. 36. 1. The Director of the Department of Health and Human Services shall adopt the initial regulations required by sections 11 to 14, inclusive, of this act not later than 20 days after the effective date of this act.

2. Notwithstanding the 15-day requirement set forth in section 15 of this act, a district board of health of a health district, as required by section 15 of this act, shall adopt regulations that are substantively identical to the regulations adopted by the Director pursuant to subsection 1 within 30 days after the effective date of this act or within 10 days after the adoption of the regulations by the Director pursuant to subsection 1, whichever is earlier.



Sec. 37. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 38. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after August 1, 2020.

Sec. 39. 1. This act becomes effective upon passage and approval.

2. Section 30 of this act expires by limitation on the later of:

(a) The date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; or

(b) July 1, 2023.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 7 to Senate Bill No. 4.

Senators Settelmeyer, Hardy and Hammond requested a roll call vote on Senator Cannizzaro's motion.

Roll call on Senator Cannizzaro's motion:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Motion carried by a constitutional majority.

Bill ordered enrolled.

#### MOTIONS, RESOLUTIONS AND NOTICES

By Senators Cannizzaro, Brooks, Cancela, Denis, Dondero Loop, Goicoechea, Hammond, Hansen, Hardy, Harris, Kieckhefer, Ohrenschall, Parks, Pickard, Ratti, Scheible, Seevers Gansert, Settelmeyer, Spearman, Washington, Woodhouse; Assemblymen Frierson, Assefa, Backus, Benitez-Thompson, Bilbray-Axelrod, Carlton, Carrillo, Cohen, Daly, Douglass-Boone, Duran, Edwards, Ellison, Flores, Fumo, Gorelow, Hafen, Hambrick, Hansen, Hardy, Jauregui, Kramer, Krasner, Leavitt, Martinez, McCurdy, Miller, Monroe-Moreno, Munk, Neal, Nguyen, Peters, Roberts, Smith, Spiegel, Swank, Titus, Tolles, Torres, Watts, Wheeler and Yeager:

Senate Concurrent Resolution No. 2—Expressing appreciation to the staff of the Legislative Counsel Bureau for their service during the 32nd Special Session of the Nevada Legislature.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Cannizzaro.

Senate Concurrent Resolution No. 2 expresses our deep appreciation to the staff of LCB for their service during the 32nd Special Session of the Nevada Legislature. We are in the middle of a pandemic, and as a result, called into Special Session by the Governor in order to address a number of items not only for the 32nd Special Session but also for the 31st.

During both of these Special Sessions, LCB's staff immediately began to prepare for each of these Sessions in a way to keep staff safe and healthy and did so from a remote fashion. Their amazing work ethic, professionalism and ability to overcome obstacles we faced from the beginning of this pandemic, and up and through now, to alter the course of business this Legislature operates under was nothing short of amazing.

In particular, I would like to thank our Legal staff for adeptly and quickly analyzing bills and amendments and providing their legal opinions. Our Research staff, in not only providing the

ability to analyze the issues before us but also provide the information in a timely fashion and in a way we could always count on. We know our Broadcast and Production Services staff has done an extraordinary amount of work to accomplish what does not exist in other places: the possibility to participate in a remote fashion, with the fluency and accessibility we have seen here, and allow the public to be a part of our conversations, despite the fact we are in the middle of a pandemic. This speaks volumes to their capabilities and talents. We are truly appreciative.

We are also grateful for our Fiscal analysts, who helped us during both Special Sessions.

We want to thank our Legislative and Capitol police. They make sure we and this building are safe, as well as everyone else who enters the building.

I cannot express my gratitude enough, and I know the members of this Body, likewise, are all exceedingly thankful. You have all done an amazing job, not just this Session, but also in the previous Session. While this may seem just complementary in the form of a resolution, it is critically important we recognize the work of those whom make sure we can do this job. Without you, we would not be able to do this job. I want to thank our LCB staff for their truly fantastic, professional and amazing work.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

By Senators Cannizzaro, Brooks, Cancela, Denis, Dondero Loop, Goicoechea, Hammond, Hansen, Hardy, Harris, Kieckhefer, Ohrenschall, Parks, Pickard, Ratti, Scheible, Seevers Gansert, Settelmeyer, Spearman, Washington and Woodhouse:

Senate Resolution No. 4—Expressing appreciation to the Senate staff for their service during the 32nd Special Session of the Nevada Legislature.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Cannizzaro and Settelmeyer.

SENATOR CANNIZZARO:

Senate Resolution No. 4 expresses our deep gratitude and appreciation to the Senate staff for their service during the 32nd Special Session of the Nevada Legislature. Again, I find myself in complete admiration of the Senate staff's ability to operate in such an efficient and timely manner during this Special Session immediately following the last Special Session.

I would be remiss if I did not note, while these are complementary words, this is an expression of gratitude. There is so much more we can do to thank you all, and it is something I know this Body is committed to. We sincerely thank you and hold the deepest appreciation for all of you. There have been many late nights, and I know it has been difficult. We have an amazing, capable and wonderful staff with the ability to assist us in this process.

Not only does this go out to all of the awesome people present here in this Body but also, most certainly, to our Secretary of the Senate, Ms. Claire Clift. Although my time in this Body has been short, the work you do has not escaped my observation. I would describe it as nothing short of incredible. We thank you for your work; I know it is a labor of love. Your knowledge and incredible experience with the Senate is impressive and keeps us on course to make sure we are all doing the right things.

Our Sergeants at Arms make sure we can facilitate things we are doing here in the Senate, and we would not be able to operate without them. Their steadfast service ensures we have everything we need in order to accomplish our jobs here in this Chamber.

To all of the Senate staff, I cannot imagine how you do your jobs with such grace and ability. It is truly an honor to work with all of you. I have even more of an appreciation after having just stood on the other side of this desk to watch how everything operates during the course of a hearing with testimony and Floor comments. We are grateful for all of your service and dedication, especially through the long, late night Sessions from time to time. We are grateful.

SENATOR SETTELMEYER:

Without Senate staff, this would be impossible; there is just no way. The endurance you have shown in this last Special Session, the ability to go until 2:00 or 3:00 in the morning, I might as well hire you all to come and bail hay and work cattle. I have discussed this with the Senator from District 5. We both come from an agricultural background. We are in awe of your ability to put up with us in many respects. You remind us of the important fact this is a decorum of the Body, and we need to keep that decorum and make sure we give this Body, and this job, the respect it deserves. On occasion, we have forgotten, and I appreciate the reminders.

You have taught us about separation of power and how we are the Legislative Body. I appreciate everyone here with the gentle reminders and the ability to converse. I do enjoy seeing LCB and Senate staff more often when we are not in Session, so let us get to that. Thank you all for everything you do.

Resolution adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, August 5, 2020

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

REMARKS FROM THE FLOOR

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

SENATOR SETTELMEYER:

This has been so much fun, the 32nd Special Session, we should have a 33rd. You laugh, but I am not. The situation is simple: we need to stand up for the Legislative Body; we need to stand up now. We have had a petition created based upon one of our good colleague's bills on this subject. I will read it:

Petition of the members of the Legislature of the State of Nevada to convene a Special Session; whereas, Subsection 1 of Section 2A of Article 4 of the Constitution of the State of Nevada provides that "[t]he Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the Special Session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a Special Session, the Secretary of State shall notify all members of the Legislature and the Governor that a Special Session will be convened pursuant to this section"; and whereas, Subsection 2 of Section 2A of Article 4 of the Constitution of the State of Nevada further provides that "[a]t a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session"; and whereas, believing that an extraordinary occasion exists which requires immediate action by the Legislature.

Now, therefore, the undersigned members of the Legislature, by virtue of the authority vested in them by the Constitution of the State of Nevada and by transmitting to the Secretary of State one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for a Special Session, do hereby convene the Legislature into a Special Session to begin on or before Thursday, August 6, 2020.

The following business may be transacted during the Special Session: a bill to require a State of Emergency or a Declaration of Disaster proclaimed by the Governor or by a resolution of the Legislature to terminate not later than 30 days after the Proclamation of the State of Emergency or Declaration of Disaster, unless, if the Legislature is not in session, a Special Session of the Legislature is convened and a two-thirds majority of the Legislature

approves the extension of the State of Emergency or Declaration of Disaster or, if the Legislature is in regular Session, a two-thirds majority of the Legislature approves the extension of the State of Emergency or Declaration of Disaster.

Now, therefore, the undersigned members of the Legislature, pursuant to chapter 719 or NRS, do hereby agree that this petition is a transaction that may be conducted by electronic means and that an electronic signature on this petition may not be denied legal effect or enforceability solely because it is in electronic form.

SENATOR PICKARD:

From the outset, it must be understood that the Petition to which my colleague from Senate District 17 refers is not intended to limit the Governor's power or to roll back any of his authority under NRS 414. The Governor, whoever that might be, may still take whatever actions are necessary to respond to emergencies and events beyond our control. What this effort does is to give the people, through their elected representatives, the opportunity to weigh-in on the Governor's actions through a deliberative process and decide to adopt, modify or curtail them as the majority of people in the State desire.

If we have learned anything about the political process in response to the coronavirus pandemic, it is this: for all practical purposes, NRS 414 places unlimited and unchecked power in the Executive for an unlimited period of time. That is the kind of power that our forefathers fought a revolution over. In the United States, the true power rests in the people.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

This legislation is necessary to allow the Nevada Legislature to recover its rightful place as the voice of the people; that the people must decide whether to extend what the Governor has, in good faith, put in place or to decide to take a different course. No state should be governed by just one person, but they should be governed by its duly-elected representatives, who are then required to set the course and turn over the day-to-day navigation to the captain of the ship. That captain should never be permitted to wrest absolute power from the people no matter how benevolent the motive. We the people of Nevada should be required to consider the actions of the Governor and decide, on behalf of the people, if consent should be given such that those emergency measures continue and for how long. If you wish to lend support to this important effort, please see our colleague from Senate District 17.

SENATOR PARKS:

Earlier today, this Legislature passed an important piece of legislation, Senate Concurrent Resolution No. 1. I wish to congratulate my colleague from Senate District No. 1 for her insight and courage bringing Senate Concurrent Resolution No. 1 forward.

As I prepare to leave this Legislature, I would like to share one final thought on a positive note. Across the United States, Americans have increasingly embraced equal treatment and access for lesbian, gay, bisexual, transgender and queer (LGBTQ) Americans. According to the Gallup poll last year, 63 percent of Americans supported same-gender marriage compared with only 44 percent a decade ago in 2010. In general, most states are moving toward protecting and empowering their LGBTQ residents, and Nevada is no exception.

Two months ago, *USA Today* and *24/7 Wall Street* reviewed the states most and least welcoming to the LGBTQ community. An index was created of three measures to identify the best

and worst states for LGBTQ people. I am happy to share with you that according to *USA Today* and *24/7 Wall Street* analyses, Nevada ranks as the best state in America for LGBTQ individuals.

Nevada has a relatively low share of hate crimes motivated by gender identity or sexual orientation. It has nearly all of the laws suggested by the Human Rights Campaign for LGBTQ rights, including nondiscrimination laws, parenting laws, statutes against hate crimes and those ensuring protections for healthcare access. Over the last decade, Nevada has passed 34 laws protecting the rights and safety of its LGBTQ residents. There are no laws in Nevada considered to infringe on these protections. I want to express my deep appreciation to this Legislature for its consistent support of LGBTQ equality. From the bottom of my heart, thank you.

SENATOR SPEARMAN:

I want to thank my colleague from Senate District 7 for all of the work he has done while serving in this Legislature. Many of the strides we have made as a State are directly connected to his efforts over some 20-plus years. When it was not en vogue, when it was not popular, my colleague was still slogging along, making sure roads were paved for members of the LGBTQ community. We owe him a great debt of support. One hundred years from now, when people look back and see all of the strides that have been made, I am sure his name will be written in the annals of history as one of the heroes.

SENATOR CANNIZZARO:

My colleague from Senate District 1 is right, the name of our colleague from Senate District 7 will be in the annals of history. I have seen it myself. I happened upon a Barnes & Noble one afternoon on a weekend, and in browsing the books, which I enjoy doing, I happened upon a book talking about the strides in equality Nevada has made. I naturally picked up the book and began to browse through the words and photos. Among almost every photo in this book, dating back to long before I was born, were photos of a remarkable, strong and talented Legislator, public servant and friend of mine from Senate District 7, who has been impacting equality in the State of Nevada for far longer than I can imagine. If one of us would be lucky enough to impact the State of Nevada in the way my dear friend—who will be sorely missed—has, this State would be eternally lucky and grateful.

I would be remiss to note long after this building has said goodbye, I will still be knocking on the door of my friend from Senate District 5. I cannot express how grateful I am for this consistent and compassionate voice to the business of this Legislature, which we heard earlier today in the comments on Senate Concurrent Resolution No. 1. I am grateful and humbled by the service I enjoy in conjunction with my friend from Senate District 5. She has and always will be by my side for many days to come.

As we close this Special Session, there are many individuals not only in this Body but also outside of this Body who are fighting for the State of Nevada, fighting for my home State, fighting for the people who live here. This is exactly the overarching piece of what we have tackled in these last two Sessions. They have been hard and have not been the kind of thing any of us in public service wish to do, to cut money from budgets and make difficult decisions on how we can help people in these uncertain times. These are not the decisions we want to make but are necessary decisions in order to deal with the world we are currently facing in this pandemic. Nothing about this Legislature and the status for which we sit on this Senate Floor, nor the business of the last two Sessions, gives much comfort, but we must do what is right for the people of Nevada even if it is hard.

I am grateful for the leadership in this building and the leadership representing our constituents and communities as they have come forth to let us know how we can help this situation, not fix it but help.

I would be remiss not to mention the strength of our Governor and Assembly colleagues. I want to thank the Executive agencies who work diligently every day, day in and day out, for the essential functions they provide this State, to bring their perspectives, their recommendations and to ensure the hard decisions we make are ones we must make, as there are no other options.

I remain hopeful for the people of the State of Nevada, that we will come out of this stronger than before. Despite all of the hard decisions, we will find ourselves in a better place on the other side.

I want to thank all of my colleagues who sit on this Senate Floor. Although we may disagree from time to time, we have all approached this with diligence and good faith to try and find solutions for Nevadans. We all remain resolute in that, and I hope we continue to remain resolute in the fate of Nevada, our constituents, our friends and neighbors. It is always my honor to serve with my colleagues in this Body and to serve the State of Nevada.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bills Nos. 2, 3, 4; Senate Concurrent Resolutions Nos. 1, 2; Senate Resolution No. 4.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President pro Tempore appointed Senator Dondero Loop as a Committee to wait upon the Assembly and to inform that honorable Body that the Senate is ready to adjourn *sine die*.

Mr. President pro Tempore appointed Senator Ohrenschall as a Committee to wait upon His Excellency, Steve Sisolak, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:15 a.m.

SENATE IN SESSION

At 12:16 a.m.

President pro Tempore Denis presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

A Committee from the Assembly composed of Assemblyman McCurdy appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:16 a.m.

SENATE IN SESSION

At 12:19 a.m.

President pro Tempore Denis presiding.

Quorum present.

Senator Dondero Loop reported that her Committee has informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Ohrenschall reported that his Committee has informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Cannizzaro moved that the 32nd Special Session of the Senate of the Legislature of the State of Nevada adjourn *sine die* in honor of Las Vegas Metro Police Department's Officer Shay Mikalonis, as requested by Senator Settlemeyer, and the victims of the COVID-19 pandemic.

Motion carried.

Senate adjourned at 12:21 a.m.

Approved:

MOISES DENIS

*President pro Tempore of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*