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NEVADA SPECIAL SESSIONS REPORT 2020 – SINE DIE

31st Special Session July 8 – July 19, 2020

The 31st Special Session called by Governor Sisolak directed the Legislature to address the budget shortfall to Nevada’s budget. In total, the Legislature passed five measures that were all signed by the Governor.

[Assembly Bill 3](#) is a major budget bill that makes significant cuts to various agencies and departments. The bill also includes a transfer of \$50 million in federal CARES Act dollars to a state budget account overseen by the State Superintendent of Public Instruction and establishes a grant program for K-12 schools to create “alternative intensive instruction” including the distance learning bill, specifically focusing on students, “likely to develop the largest deficits in educational attainment as a result of the loss of in-person intensive instruction.” Both school districts and charter schools will be eligible for grants through the program.

The state’s Medicaid budget has also been cut.

VOTE
Assembly: 36-6
Senate: 21-0

[Senate Bill 1](#) addresses various capital improvement projects that will now be placed on hold.

VOTE:
Assembly: 42-0
Senate: 21-0

[Senate Bill 2](#) makes changes to the Guinn Millennium Scholarship (Higher Education).

VOTE:
Assembly: 42-0
Senate: 21-0

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32nd Special Session **July 31 – August 6, 2020**

The 32nd Special Session called by Governor Steve Sisolak directed the Legislature to address an array of policy topics ranging from criminal and social justice reform to elections to business liability.

The Legislature passed 8 bills and 3 Joint Resolutions.

[Assembly Bill 1](#)

AB 1 is a technical correction bill from legislation in 2019. There were two major issues addressed: restoring voting rights for ex-felons and evictions during the Governor’s state of emergency. The bill amends language passed in 2019 about when a person may be evicted. It specifies that a tenant is guilty of an “unlawful detainer” if they remain in a commercial property for five days after not paying rent and after being notified in writing of the default. The term is seven judicial days for noncommercial properties and 10 days for a mobile home lot.

VOTE:

Assembly: 31-10

Senate: 18-3

[Assembly Bill 2](#)

AB2 allows for legislators to vote remotely outside of the legislative building. This is similar to action taken during the first special session of 2020, allowing members to participate from either their office or another location. AB2 also changed the make-up of legislative staff within the legal division and the handling of legal matters. The bill includes technical processing instructions if the Legislature begins the process of amending the Constitution during a special session. Usually, a constitutional change originating in the Legislature needs to pass two subsequent sessions and be approved by voters to take effect, but constitutional deadlines allow the Legislature to shorten that process if they pass a resolution during a special session. (See AJR 1, AJR 2 & SJR 3)

VOTE:

Assembly: 40-1-1

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Senate: 15-6

ASSEMBLY BILL 3

AB3 is a continuance to criminal justice reform from the 2019 Legislative Session. Items addressed in AB3 included the prohibition of choke holds, a duty to intervene and recording of law enforcement action in addition to technical changes to the 2019 legislation. AB3 also requires testing officers for alcohol and drugs — including prescription drugs and cannabis — if they are in an officer-involved shooting.

VOTE

Assembly: 38-4

Senate: 19-2

ASSEMBLY BILL 4

AB4 is a major election bill that will move Nevada to an “All Mail in Ballot” State. Voters across the Silver State will now receive a ballot in the mail to vote. There will be specified polling locations to vote in person or drop off your ballot but the process of casting a ballot will be similar to how Nevadans participated in the primary. AB4 will allow for a voter to authorize another person to return their absentee or mail-in ballot to an election clerk. Current Nevada law only allows voters to authorize a member of their family or a limited pool of individuals to return their mail-in ballot.

VOTE

Assembly: 28-12-1

Senate: 13-8

SENATE BILL 1

SB1 will suspend eviction proceedings for any tenant in a dwelling unit, apartment, mobile home, recreational vehicle, or low-rent housing program operated by a public housing authority if a court in the state establishes an “expedited program of alternative dispute resolution.” The bill will halt evictions for up to 30 days if the parties agree to enter the program for alternative dispute resolution. It is effective upon passage.

VOTE

Assembly: 38-4

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Senate: 18-3

SENATE BILL 2

SB2 revisits Senate Bill 242 from the 2019 legislative session. Major changes include the elimination of prohibitions on using a police officer's compelled statement in a civil case without their consent; change the statute of limitations on when a law enforcement agency can bring an investigation against an officer; eliminate prohibitions on reassigning an officer under investigation; and would no longer prohibit law enforcement agencies from reopening investigations without "new material evidence."

VOTE:

Assembly: 25-17

Senate: 13-8

SENATE BILL 3

SB3 is a measure addressing issues within the Department of Employment, Training & Rehabilitation (DETR) and provides the agency more flexibility and authority during the COVID-19 pandemic. The agency argued that it has been unable to provide aid to Nevadans in certain unemployment benefit situations.

VOTE:

Assembly: 42-0

Senate: 21-0

SENATE BILL 4

SB4 is a major measure that addresses both business and worker safety. The bill puts in place liability protections for businesses, government agencies and nonprofits **but** excluded K-12 schools and health care facilities, including hospitals and other health care facilities.

SB4 does not provide full immunity for entities but expands protection against lawsuits unless a plaintiff can prove that a business violated minimum recommended health standards and/or is guilty of gross negligence.

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The primary concern from the health care industry is that the industry members will now have to put in place new policies as it relates to visitors and vendors.

Another key provision of the bill directs the gaming industry in Clark and Washoe counties to work closely with the State of Nevada to adopt new standards as it relates to keeping a property disinfected from COVID-19. The bill also allows for a period of paid-time off for employees who are awaiting test results or contact with the virus as well as free testing and other safety protocols.

VOTE

Assembly: 31-10-1

Senate: 16-5

MINING

[Assembly Joint Resolution 1](#), [Assembly Joint Resolution 2](#) & [Senate Joint Resolution 3](#)

Three different resolutions were introduced during the Special Session to address mining taxes. These resolutions are an attempt to get the mining industry to pay more revenue to the State of Nevada. In order to become law, each of these measures will need to be heard twice by the Legislature (now and in 2021) and will need to be approved at the ballot box in 2022.

AJR 1 would impose a 7.75 percent tax rate (current rate is 5%) on mining gross proceeds, but the distribution method differs. Under the Assembly proposal, 25 percent of the proceeds would be segregated and used exclusively for education purposes, health care for state residents or economic assistance to state residents.

VOTE:

Assembly: 29-13

Senate: 13-8

AJR 2 would amend the Nevada Constitution by raising the net proceeds of the minerals tax from 5 percent to 12 percent. The measure would also establish a minimum rate of the net proceeds tax tied to the property tax rate in the taxing district (whether county or municipality) where the mining operation is located.

VOTE:

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Assembly: 29-13
 Senate: 14-7

SJR1 would amend the state Constitution by removing the 5 percent maximum net proceeds of minerals tax, and replacing it with a tax on the gross proceeds at a rate of 7.75 percent. The proposal also would undo the normal two-thirds majority required for any tax increase, allowing a simple majority of legislators to increase taxations on mines or minerals but requiring a two-thirds vote to reduce the rate or provide exemptions from the taxes. Finally, it would also require 50 percent of the proceeds go to a separate budget fund in the state Treasury and fund a program making regular payments to “eligible persons domiciled in this State”.

VOTE:
 Assembly: 25-17
 Senate: 13-8

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