Senate called to order at 11:29 a.m.
President Krolicki presiding.
Roll called.
All present.
Prayer by Pastor Albert Tilstra, Seventh-day Adventist Church, Fallon.
Good morning, Lord. I ask that You give the Senators today the provisions of Your grace.
Provide them with the grace of Your comfort to cheer, Your wisdom to teach, Your counsel to instruct and Your presence to inspire.
Prosper the works of their hands as You direct their steps. Lord, show them what needs to be changed and give them the courage and wisdom to do what is right for the people they represent. In all the work You elected them to do, help them to strive to fulfill Your purpose for this day and for this Session.
We pray in the Name of the Almighty.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:
Your Committee on Commerce, Labor and Energy, to which were referred Senate Bill Nos. 88, 208, 211, 267 and 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, Chair

Mr. President:
Your Committee on Health and Human Services, to which were referred Senate Bill Nos. 410, 448 and 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JUSTIN C. JONES, Chair

Mr. President:
Your Committee on Judiciary, to which were referred Senate Bill Nos. 224, 286, 297, 307, 409, 414, 421, 463 and 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, Chair

Mr. President:
Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 228 and Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, Chair
Mr. President:

Your Committee on Transportation, to which were referred Senate Bill Nos. 170, 217, 312 and 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, Chair

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 18, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill Nos. 225, 264, 351.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill Nos. 10, 18, 21, 41, 44, 59, 64, 97, 98, 126, 129, 147, 165, 176, 236, 243, 246, 250, 263, 282, 284, 305, 307, 310, 312, 313, 349, 365, 378, 379, 389, 407, 415.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Spearman moved that Senate Joint Resolution No. 13, just reported out of committee, be placed at the top of the Second Reading File for this legislative day.

Motion carried.

Senator Smith moved that Senate Bill Nos. 94, 183 and 373 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Denis moved that Senate Bill No. 68 be taken from the General File and placed on the Secretary’s Desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 10.

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

Motion carried.

Assembly Bill No. 18.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 21.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 41.

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

Motion carried.
Assembly Bill No. 44.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 59.
Senator Smith moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 64.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 97.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 98.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 126.
Senator Smith moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 129.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 147.
Senator Smith moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 165.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 176.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.
Assembly Bill No. 225.
Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.
Motion carried.

Assembly Bill No. 236.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 243.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 246.
Senator Smith moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 259.
Senator Smith moved that the bill be referred to the Committee on Education.
Motion carried.

Assembly Bill No. 263.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 264.
Senator Smith moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 282.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 284.
Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.
Motion carried.

Assembly Bill No. 305.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.
Assembly Bill No. 307.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 310.
Senator Smith moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.
Senate in recess at 11:59 a.m.

SENATE IN SESSION

At 12:12 p.m.
President Krolicki presiding.
Quorum present.

Assembly Bill No. 312.
Senator Smith moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 313.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 346.
Senator Smith moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 349.
Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.
Motion carried.

Assembly Bill No. 351.
Senator Smith moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 357.
Senator Smith moved that the bill be referred to the Committee on Education.
Motion carried.
Assembly Bill No. 378.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 379.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 389.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 407.
Senator Smith moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assembly Bill No. 415.
Senator Smith moved that the bill be referred to the Committee on Judiciary.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Kieckhefer moved that Senate Bill Nos. 185 and 350 be taken from the Secretary’s Desk and placed on the General File for the next legislative day.
Motion carried.

SECOND READING AND AMENDMENT
Senate Joint Resolution No. 13.
Bill read second time.
The following amendment was proposed by Senator Spearman:
Amendment No. 540.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman:
Thank you, Mr. President. As I previously mentioned, the Senate Committee on Legislative Operations and Elections voted on an amendment to Senate Bill No. 449 but I needed to make sure those who were concerned about religious protections understood that these protections would not be denied by Senate Joint Resolution No. 13. This amendment makes explicit that churches, clergy and religious institutions are not bound to perform a marriage which is against their beliefs.

Motion carried on a Division of the House.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 31.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 189.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 189 to Senate Bill No. 31 authorizes the chief juvenile probation officers and the Chief of the Youth Parole Bureau to release certain information concerning a child, who is within the purview of the juvenile court, to other persons involved in the juvenile justice system. It also authorizes the release of information for purposes of research and oversight of an agency, department or office that provides services relating to juvenile justice. The amendment authorizes an agency that provides child welfare services to release certain information concerning reports or investigations of alleged abuse or neglect of a child to certain agencies, persons, and entities and provides for the confidentiality of such information. Finally, it authorizes an agency that provides child welfare services to charge a fee for processing costs reasonably necessary to prepare the information for release.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 84.
Bill read second time.
The following amendment was proposed by the Committee on Revenue and Economic Development:
Amendment No. 368.
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.
Thank you, Mr. President. Amendment No. 368 to Senate Bill No. 84 changes the compensation for each member of the State Board of Equalization to not more than $150 per day, rather than an annual salary of $27,500 for the Chair and $20,000 for each member.

Amendment adopted.
Senator Smith moved that Senate Bill No. 84 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 103.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 334.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 334 to Senate Bill No. 103 retains the two-tiered structure concerning periods of limitation for crimes relating to the sexual abuse of a child. It also adds 15 years to each tier level, as follows: an indictment must be found or an information or complaint must be filed before the victim of child sexual abuse is: (1) 36 years old if the victim discovers or reasonably should have discovered the sexual abuse by the age of 36; and (2) 43 years old if the victim does not discover and reasonably should not have discovered the sexual abuse by 36 years of age.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 104.**
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
**Amendment No. 242.**
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 242 to Senate Bill No. 104 replaces the requirement for prisoners convicted of sexual offenses to be evaluated by a panel before their parole is granted or continued, with a requirement for such prisoners to be assessed by the Nevada Department of Corrections. It requires the new assessment system to determine each prisoner's risk to reoffend in a sexual manner using low-, moderate- or high-risk categories, and also requires the completed assessment to be provided to the Parole Board within 120 days before a scheduled parole hearing. The amendment further requires training for any employee of the Nevada Department of Corrections who completes the assessment, and a procedure to be established to ensure the accuracy of each completed assessment and correct any errors prior to submitting the assessment to the Parole Board. Finally, the amendment requires the Parole Board to consider the completed assessment before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senator Denis moved that the Senate recess until 3:00 p.m.
Motion carried.
Senate in recess at 12:30 p.m.

**SENATE IN SESSION**

At 3:30 p.m.
President Krolicki presiding.
Quorum present.

**Senate Bill No. 107.**
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
**Amendment No. 546.**
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 546 to Senate Bill No. 107 deletes all prohibitions and limitations on the use of solitary confinement on a person confined in a prison, jail or other detention facility. It provides that the use of a corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children may only be utilized if all other less-restrictive options have been exhausted and only for specific purposes. The amendment also directs the Advisory Commission on the Administration of Justice to conduct a study concerning detention and incarceration during the 2013-2014 Interim.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 111.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 185.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 185 to Senate Bill No. 111 requires an affidavit from the claimant or any attorney representing the claimant stating in reasonable detail the facts upon which the claim is based, including the precise location and time at which the injury occurred. It also provides that copies, if any, of the visual evidence must be provided within 15 days after receipt of the written request. It further provides that a person who is requested to produce visual evidence may, within 14 days after receipt of the written request, file a motion to quash the request under certain circumstances. The amendment urges the Nevada Supreme Court to adopt rules of civil procedure to allow for discovery of certain evidence before the commencement of a civil action. Finally, it provides a sunset of June 30, 2015, on the provisions of the bill.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 127.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 484.
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.
Thank you, Mr. President. Amendment No. 484 to Senate Bill No. 127 clarifies when an employer may request or consider, for the purpose of evaluating a prospective or current employee for employment, promotion, reassignment or retention as an employee, a consumer credit report or credit history.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 152.
Bill read second time.
The following amendment was proposed by the Committee on Revenue and Economic Development:
Amendment No. 215.
Senator Smith moved the adoption of the amendment.
Remarks by Senator Smith.
Thank you, Mr. President. Amendment No. 215 to Senate Bill No. 152 revises the definition of “affiliated group” and clarifies that a retailer is authorized to claim a deduction or refund of sales tax under certain circumstances.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 164.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 290.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 290 makes four changes to Senate Bill No. 164. First, it adds to the definition of bullying that the act also includes an action that occurs more than once, and exploits an imbalance of power between students. Second, the amendment provides that each charter school governing body and each school district board of trustees specify the method of delivery of the objectives of the “Week of Respect.” The change replaces the requirement for an assembly, as previously specified in the bill. Third, the amendment extends the period of time that new members of the board of trustees must receive training from 90 days to 180 days, as measured from the time the member began his or her term of office. Finally, the wording of the bill is changed so that each school-based administrator, rather than “principal,” in a school district is required to participate in the mandatory training specified in the bill. The administrator must have that training repeated every three years, as opposed to “annually” as specified in the bill, unless revisions were made to the program. Additionally, charter school personnel are to be included in the required training.

Amendment adopted.

Senator Parks moved that Senate Bill No. 164 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:
Amendment No. 367.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Thank you, Mr. President. Amendment No. 367 to Senate Bill No. 165 adds various provisions related to the administration of the transferrable film tax credits, reduces the amount of credits that may be granted, and requires the Office of Economic Development to provide annual statistical reports regarding the film tax credits issued and used. The amendment clarifies that the film tax credits are not issued until after the production has been completed and all qualified expenses incurred in Nevada have been verified through an audit. The amendment specifies that the film tax credits will expire four years after issuance and can only be applied against the Modified Business Tax, the Live Entertainment Tax, the Gaming Percentage Fee Tax, the Insurance Premium Tax or any combination of these taxes. Amendment No. 367 to Senate Bill No. 165 reduces the maximum amount of film tax credits that may be granted by the Office of Economic Development in each fiscal year, from $50 million to $35 million. It increases the minimum production costs that must be incurred in Nevada in order to qualify for the film tax credits, from $100,000 to $500,000. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of the act; and on January 1, 2014, for all other purposes.

Amendment adopted.
Senator Ford moved that Senate Bill No. 165 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 179.
Bill read second time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 238.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 238 to Senate Bill No. 179 establishes pedestrian safety zones with provisions similar to work or school zones. The amendment provides courts with the ability to require pedestrians to attend a course of pedestrian, bicycle and traffic safety for a violation of traffic laws. The court also has the ability to lower the amount of the fine if the defendant attends a course.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 283.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 513.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.
Thank you, Mr. President. Amendment No. 513 to Senate Bill No. 283 removes from the bill Sections 2 and 7, which relate to requests for opinions and investigations concerning any candidate within 120 days of an election. It also revises the definition of “intentionally” to require proof of bad faith or intent and adds “reckless disregard” to describe the intentional act. The amendment deletes proposed new language relating to frivolous requests and to authorizing the Commission on Ethics to assess attorney’s fees and other costs incurred.
Finally, the amendment deletes existing language providing that a public officer or employee did not commit a willful violation, if the individual relied on Commission on Ethics publications or was unable to obtain an opinion from the Commission on Ethics.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 325.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 217.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.
Thank you, Mr. President. Senate Bill No. 325 relates to ballot questions. Amendment No. 217 to Senate Bill No. 325 makes technical changes to existing statutes to recognize that, at the local level, ballot language presenting arguments for and against ballot questions are provided by committees, not the governing bodies of the political subdivisions. It also provides that if a ballot question affects public revenue in any form, the first paragraph of the digest, required by the bill, must include a statement indicating so.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 329.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 489.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 489 to Senate Bill No. 329 replaces “electricity” with “energy” and defines “energy improvement program” and “qualified third party.” It also requires the Director of the Office of Energy to include in the regulations the criteria for approving a qualified third party and the eligibility requirements for an energy improvement program to apply for and receive money from the Account for Clean Energy Loans. The amendment authorizes a qualified third party to apply to the Director of the Office of Energy for a distribution of money for the purpose of making the loans. Finally, it requires a qualified third party to comply with the Open Meeting Law in establishing and administering energy improvement programs approved by the Director of the Office of Energy.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 359.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 491.
Senator Roberson moved the adoption of the amendment.
Remarks by Senator Roberson.
Thank you, Mr. President. Amendment No. 491 to Senate Bill No. 359 clarifies that the Silver State Health Insurance Exchange must direct marketing to qualified health plans, primarily to the uninsured or underinsured qualified individuals and qualified small employers that do not provide or offer health insurance to their employees.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 387.
Bill read second time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 403.
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.
Thank you, Mr. President. Amendment No. 403 to Senate Bill No. 387 removes provisions allowing for a 24-hour grace period following a lapse in insurance coverage. It replaces a proposed appeal process with an existing appeal process provided in Chapter 233B of Nevada Revised Statutes for failure to maintain liability insurance. The amendment removes the requirement that automobile insurance policies remain in effect through the last minute of the day on the date of cancellation, termination or other discontinuance and it extends the effective date to January 1, 2015.

Amendment adopted.
Senator Parks moved that Senate Bill No. 387 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 400
Bill read second time.
The following amendment was proposed by the Committee on Revenue and Economic Development:
Amendment No. 365
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 365 to Senate Bill No. 400 provides that a mine or mining claim, under certain circumstances, is not subject to provisions of current law that require taxes to be paid on property that is otherwise exempt, pursuant to Section 157 of Chapter 361 of Nevada Revised Statutes. It also provides that the value of any mineral deposit in its natural state attached to the land must be excluded from the taxable value of the property. The amendment deletes provisions included in the bill, as introduced, for mining claims and their beneficial use of the property regarding treatment for property tax purposes and requiring mineral deposits in their natural state in the land not to be classified as intangible personal property exempt from taxable property. This act becomes effective on January 1, 2015, if and only if the provisions of Senate Joint Resolution No. 15, proposed by the 76th Session of the Legislature and agreed to and passed by the 77th Session of the Legislature, are approved and ratified by the voters at the general election on November 4, 2014.

Amendment adopted.
Senator Smith moved that Senate Bill No. 400 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 422
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 492
Senator Segerblom moved the adoption of the amendment.
Remarks by Senator Segerblom.
Thank you, Mr. President. Amendment No. 492 to Senate Bill No. 422 makes clear that the bill applies only to an employee or prospective employee of a broadcast employer who is, or seeks to become, an “on-air” employee.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 454.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 322.
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.
Thank you, Mr. President. Amendment No. 491 to Senate Bill No. 359 adds a provision that any right of first refusal must be conditioned upon the same terms the judgment creditor or the beneficiary of the deed of trust intends to accept in a subsequent sale of the real property.

Amendment adopted.
Senator Smith moved that Senate Bill No. 454 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 504.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 526.
Senator Denis moved the adoption of the amendment.
Remarks by Senator Denis.
Thank you, Mr. President. Amendment No. 526 makes several changes to Senate Bill No. 504. First, the amendment adds a new appropriation in the amount of $1,743,750 for each year of the coming Biennium sufficient to fund training and course credit for approximately 3,100 applicants wishing to obtain a teaching license endorsement for Teaching English as a Second Language. The applicants for training will be from schools with greater than 50 percent English Language Learning population. Preference would be given to teachers in kindergarten through third grade.

Amendment No. 526 to Senate Bill No. 504 also revises the bill to require the Teaching English as a Second Language endorsement in schools with greater than 50 percent English Language Learning students and encourages it in schools with greater than 25 percent English Language Learning students. It modifies the requirement that a teacher have a Teaching English as a Second Language endorsement to work in a school with greater than 50 percent English Language Learning population. This provision will apply only to those teachers newly hired or newly assigned following the effective date of the bill; full compliance is shifted to July 1, 2015—this delay will allow teachers currently at the school to obtain the endorsement.

Finally, the amendment waives the Teaching English as a Second Language certification requirement for teachers rated as “highly effective” for the 2014-2015 school year.

Amendment adopted.
Senator Smith moved that Senate Bill No. 504 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

GENERAL FILE AND THIRD READING

**Senate Bill No. 36.**
Bill read third time.
Remarks by Senator Atkinson.
Thank you, Mr. President. Senate Bill No. 36 establishes provisions to collect money owed for the repayment of fraudulently-obtained benefits or to recover amounts owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation by persons who commit unemployment insurance fraud. The bill adds as a condition for unemployment benefits that a person must have been unemployed and otherwise eligible for benefits for a waiting period of one week within the person’s current benefit year, during which no benefits were paid. Finally, the measure provides that if a transferring employer is liable to the Employment Security Division for unpaid contributions, interest or forfeits, a percentage of that liability must also be transferred to the successor employer. This bill is effective upon passage and approval. I urge your support.

Roll call on Senate Bill No. 36:
**YEAS**—20.
**NAYS**—Woodhouse.

Senate Bill No. 36 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

**Senate Bill No. 41.**
Bill read third time.
Remarks by Senator Atkinson.
Thank you, Mr. President. Senate Bill No. 41 provides that a small-scale provider of last resort may file with the Public Utilities Commission of Nevada a proposed change in any schedule of rates or services using a letter of advice in lieu of an application if: (1) the applicant demonstrates that the proposed change in schedule is required by, or directly related to, a regulation or order of the Federal Communications Commission; and (2) files the letter of advice not later than five years after the Public Utilities Commission of Nevada has issued a final order on a general rate application. A provider may request a waiver of the five-year period. A commercial mobile radio service provider who seeks to merge with, directly or indirectly, acquire or obtain control of a public utility doing business in Nevada is exempt, in certain circumstances. Senate Bill No. 41 makes changes concerning lifeline and tribal link up provided by small-scale providers of last resort. This bill is effective upon passage and approval. I urge your support.

Roll call on Senate Bill No. 41:
**YEAS**—21.
**NAYS**—None.

Senate Bill No. 41 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Senate Bill No. 74.
Bill read third time.
Remarks by Senators Segerblom, Kieckhefer and Goicoechea.

SENATOR SEGERBLOM:
Thank you, Mr. President. Senate Bill No. 74 provides for reduced fees for public copying. We met with State agencies, local government entities and the Press Association and worked out a compromise. When the press and other interested parties go to get copies, they aren’t charged an exorbitant amount. It sets a standard for all agencies around the State which is beneficial.

SENATOR KIECKHEFER:
Thank you, Mr. President. I have a question about the bill. I have been on both sides of this as a reporter. I have made public records requests and when I was in the Department of Health and Human Services, I fulfilled those requests. Sometimes the fulfillment of those public records requests takes a long time—it took days sometimes. I am concerned that Senate Bill No. 74 could potentially take away the ability of a department or a local government to charge for the time associated with fulfilling such requests.
Can governments still charge for the time required for these extraordinary requests? And also, how do you bill when documents are ultimately provided electronically rather than by the page?

SENATOR SEGERBLOM:
Thank you, Mr. President. Under the extraordinary efforts described, entities can charge for their time, within reason. With respect to electronic documents, there is no charge; we are encouraging everyone to go to an electronic format. Problems happen with old records where, paper records have to be retrieved. If that gets cumbersome, they can charge for the effort.

SENATOR GOICOECHEA:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 74. I know my colleague worked hard on the bill and the amendment, but it remains an extremely cumbersome bill. In the smaller, rural counties that don’t have the capability to go electronic, their records and archives may be a shed out back filled with boxes of papers. Saying they have the ability to retrieve those records and they can charge for it, it’s not enough. You can shut down whole departments in some of the counties with this. Again, I oppose the bill.

Roll call on Senate Bill No. 74:
YEAS—14.
NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hardy, Roberson, Settelmeyer—7.

Senate Bill No. 74 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 140.
Bill read third time.
Remarks by Senator Hutchison and Atkinson.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise in support—and to encourage your support—of Senate Bill No. 140 which relates to attorney’s fees.

Senate Bill No. 140 provides for the statutory creation, perfection and attachment of a “retaining lien” for attorney’s fees by providing that the rights under such a lien may be adjudicated by a court at the request of the attorney having the lien, or any party who has been served with notice of the lien. Senate Bill No. 140 also provides that in any civil action, the lien attaches to any file or other property properly left in the possession of the attorney by the client. The measure clarifies that the lien attaches the originals and the copies of the attorney’s file if the original documents received from the client have been returned to the client.
Finally, the measure clarifies that a lien for attorney’s fees must not be construed as inconsistent with the attorney’s professional responsibilities to the client. This bill is effective on July 1, 2013. The provisions apply to any fee for services rendered by an attorney before, on, or after the effective date of this measure. Senate Bill No. 140 passed out of the Senate Committee on Judiciary unanimously. I encourage your support.

SENATOR ATKINSON:
Thank you, Mr. President. To my colleague from Senate District No. 6: does this arbitrarily allow attorneys to increase fees without any due diligence?

SENATOR HUTCHISON:
Thank you, Mr. President. I want to thank my esteemed colleague from Senate District No. 4 for his thoughtful and provocative question. Attorney’s fees, as a general rule, are always reasonable [laughter]. There isn’t anything in Senate Bill No. 140 that would violate that general rule.

Roll call on Senate Bill No. 140:
YEAS—21.
NAYS—None.

Senate Bill No. 140 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senator Denis moved that the Senate recess subject to the call of the Chair. Motion carried.

Senate in recess at 4:31 p.m.

SENATE IN SESSION

At 4:35 p.m. President Krolicki presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Senate Bill No. 229 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 192.
Bill read third time.
Remarks by Senators Hutchison, Segerblom, Spearman and Ford.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise in support of Senate Bill No. 192, the Nevada Preservation of Religious Freedom Act. Nevada will join 28 other states that have enacted similar legislation; it is modeled after the federal legislation, the Religious Freedom Restoration Act. It passed with overwhelming bipartisan support and was signed into law by President Clinton in 1993.

The Nevada Preservation of Religious Freedom Act prohibits a governmental entity from substantially burdening the exercise of religion of a person unless the entity demonstrates that the burden furthers a compelling governmental interest and is the least restrictive means of
furthering that interest, Senate Bill No. 192 authorizes a person whose exercise of religion has been substantially burdened to bring or defend an action in court and to obtain appropriate relief. Senate Bill No. 192 provides that the provisions of the Act apply to all State and local laws and ordinances whether enacted before, on or after the measure goes into effect. However, it does not restrict the Nevada Legislature from enacting State laws that affect religion if the law explicitly makes the provisions of this bill inapplicable to the new law. In addition, the provisions do not apply to, or affect the decision of, a governmental entity to grant or deny to religious organizations any appropriation or other money or benefit, or any tax exemption or other type of tax relief. This measure does not establish or eliminate any claim or defense in a civil or criminal action brought under a federal or State civil rights law.

Senate Bill No. 192 clarifies that provisions protect the acts of religious organizations regarding the employment, education or volunteer service of a person who performs any religious duties for a religious organization, such as spreading or teaching faith, performing devotional services or participating in internal governance of the religious organization. This bill passed out of the Senate Committee on Judiciary and I urge your support.

SENATOR SEGERBLOM:
Thank you, Mr. President. I rise in support of Senate Bill No. 192. It is important that we recognize that there are certain fundamental rights that we all support, one of which is religious freedom. Another is the freedom to marry anyone we choose. I find it hypocritical for someone to support this bill for religious rights but to then say that two people who love each other are not allowed to be married.

SENATOR SPEARMAN:
Thank you, Mr. President. With all due respect to my esteemed colleagues, I cannot support Senate Bill No. 192 because it reminds me of a time when people used religion to justify slavery. Slavery was sanctioned by laws similar to this.

SENATOR FORD:
Thank you, Mr. President. While I support the efforts of my colleagues from Senate District Nos. 6 and 8 to be as accommodating as possible to me and other members of this Body, I must regretfully rise in opposition to this Senate Bill No. 192. It is not because I am opposed to religious liberty; indeed, I was one of the original co-sponsors of this bill.

At the time of my earlier assessment, however, and although I had requested information from the opponents to the bill that women’s reproductive rights could be challenged in ways they have argued, I had not received any proof of those contentions. But a memorandum I received late Tuesday afternoon from the Legislative Counsel Bureau revealed that the concern that I originally believed was unfounded was, indeed, founded on some very real case law.

I have several concerns. I’ll offer this Body a non-exhaustive list of examples. One of my concerns relates to access to reproductive healthcare in areas where doctors and/or pharmacists may be few in number and how Senate Bill No. 192, otherwise known as the Religious Freedom Restoration Act, would impact a woman’s right to make decisions regarding her own reproductive rights. I believe it improperly burdensome, for example, to require a woman who may live in a more isolated part of our State to have to travel to Las Vegas or Reno to exercise her constitutional rights regarding reproduction simply because the doctor or pharmacist refuse to prescribe or fill a prescription for, for example, the morning-after pill. Under the United States Supreme Court’s current analysis, which states that neutral laws of general applicability generally survive challenges under the First Amendment to the United States Constitution, the above scenario is not likely to occur; under the Religious Freedom Restoration Act, it very well may.

I do sometimes disagree with the United States Supreme Court, but in view of the potential conflict of two very important constitutional rights—the First Amendment’s freedom of religion and the Fifth Amendment’s and the Fourteenth Amendment’s reproductive rights accorded to women—I fear that passage of Senate Bill No. 192 has the potential of not only jeopardizing many laws and regulations already on our books to the extent they were to be amended subsequent to the enactment of this law; but also creating new constitutional tensions.
For example, Section 753 of Chapter 639 of Nevada Administrative Code disallows a pharmacist from refusing to fill a prescription based on a religious belief. Therefore, under our current law, a pharmacist is required to fill prescriptions for birth control and the morning-after pill, and our law would most assuredly withstand a constitutional attack under the current standard. It’s uncertain whether it would survive under the heightened standard that Religious Freedom Restoration Act seeks to impose. I’m not comfortable with that.

As another example, Section 475 of Chapter 632 and Section 160 of Chapter 450 of Nevada Revised Statutes, construed together, provide that hospitals can require doctors to perform abortions in medical emergencies. Under current United States Supreme Court precedent, those laws would likely be upheld. Under Religious Freedom Restoration Act, who knows. Again, I am not comfortable with that uncertainty.

Most would agree that time is of the essence in most decisions concerning the exercise of reproductive rights. I cannot, in good conscience, support legislation that has the potential to undermine and negatively impact a woman’s right in this regard. In my view, passing Senate Bill No. 192 can lead to new lawsuits that may very well end with conflicting decisions from several courts, thereby mudding the waters even more. Again, I’m just not comfortable with that.

Finally, Mr. President, although I will vote no on Senate Bill No. 192, I want to again thank my colleagues from Senate Districts Nos. 6 and 8 for working with me to this point.

Another concern I have with the Senate Bill No. 192 was voiced by those opposing it at the hearing, that the bill could potentially be used as an end-run around our State’s anti-discrimination laws. Appreciating my concerns, the sponsors willingly and at my request, adopted language adopted from Texas’ version of Religious Freedom Restoration Act that adequately addresses this issue. That is, as I read and understand this bill, its enactment would not thereby allow violations of our laws prohibiting discrimination, whether that be discrimination on the basis of race, gender, sexual orientation, gender expression or otherwise. I commend the sponsors for this. Nonetheless, I urge a no vote for the many reasons I have just stated. Thank you, Mr. President, for indulging me.

Senator Denis moved that Senate Bill No. 192 be taken from the General File and placed on the Secretary’s Desk.

Motion carried.

Senate Bill No. 269.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Senate Bill No. 269 requires students to attend school in order to obtain and keep a driver’s license. The measure sets forth reporting requirements for tracking habitual truants and provides that school principals or their designees supply a written statement verifying pupil attendance. Sanctions related to the driving privilege are imposed for those deemed to be habitual truants. The bill also specifies the process for suspending a license or learner’s permit and establishes a review and appeals process for license suspensions.

Finally, the measure specifies the process the Department of Motor Vehicles must follow to issue driver’s licenses and permits under the provisions of the bill. The bill is effective on January 1, 2015.

Roll call on Senate Bill No. 269:

YEAS—21.
NAYS—None.

Senate Bill No. 269 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.
MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill Nos. 314, 317, 318, 343, 381, 420, 428, 429, 449, 450, 456, 493 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Motion carried.

Senate in recess at 4:49 p.m.

SENATE IN SESSION

At 5:05 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:
Your Committee on Education, to which was referred Senate Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

JOYCE WOODHOUSE, Chair

Mr. President:
Your Committee on Health and Human Services, to which was referred Senate Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

JUSTIN C. JONES, Chair

Mr. President:
Your Committee on Judiciary, to which were referred Senate Bill Nos. 141, 243, 278, 280, 321, 424, 425 and 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, Chair

Mr. President:
Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, Chair

Mr. President:
Your Committee on Revenue and Economic Development, to which were referred Senate Bill Nos. 172 and 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RUBEN J. KIHUEN, Chair
MOTIONS, RESOLUTIONS AND NOTICES

Motion carried.

Senator Hardy moved that Senate Bill No. 92 be taken from the Secretary’s Desk and placed on the General File for the next legislative day.
Motion carried.

Senator Atkinson moved that Senate Bill No. 496 be taken from the Second Reading File and placed on the Secretary’s Desk.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 88.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 482.
Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Thank you, Mr. President. Amendment No. 482 to Senate Bill No. 88 deletes all of the provisions of the bill. It allows the Department of Motor Vehicles to remove the suspension of the registration of any motor vehicle for which the Department of Motor Vehicles cannot verify liability insurance without requiring the owner of the vehicle to pay a fee or administrative fine if the registered owner of the vehicles proves to the satisfaction of the Department of Motor Vehicles that the vehicle was dormant during the period in which the Department of Motor Vehicles was unable to verify the insurance coverage.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 112.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 380.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 380 to Senate Bill No. 112 requires the Legislative Committee on Health Care to study, during the 2013-2015 Legislative Interim, the implementation of Chapter 386 of Statutes of Nevada 2011, which relates to the issuing of a permit for a physician or health care facility to provide anesthesia and sedation services. The amendment further strikes all other provisions of the original bill.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 141.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 500.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 500 to Senate Bill No. 141 deletes provisions relating to the Nevada Court Appointed Special Advocates Association. It also clarifies that the dissemination of records is to a court appointed special advocate program in a county whose population is less than 100,000, currently counties other than Clark and Washoe Counties.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 170.
Bill read second time.
The following amendment was proposed by the Committee on Transportation.
Amendment No. 434.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 434 to Senate Bill No. 170 prohibits body shops from charging storage fees on vehicles in its possession for repairs on days when repairs occur, for 24 hours after notifying the owner that the repairs are complete, or for certain delays caused by the body shop, owner or insurer. In cases where a vehicle is towed to a body shop at the request of someone other than the registered owner, this amendment removes certain requirements a body shop must follow before charging storage fees. It also adds contact information for the Department of Motor Vehicles to the Nevada Automotive Repair Customer Bill of Rights.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 172.
Bill read second time.
The following amendment was proposed by the Committee on Revenue and Economic Development:
Amendment No. 148.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 148 to Senate Bill No. 172 involves deductions for employer payroll taxes and requires that to qualify for the deduction, an employee was not hired to replace another employee; or, if there is a replacement, the employee who left did so voluntarily or was terminated for cause.
Amendment adopted.
Senator Kihuen moved that Senate Bill No. 172 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.
Senate Bill No. 208.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 485.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 485 to Senate Bill No. 208 adds “chiefs and assistant alternative sentencing officers of departments of alternative sentencing” to the bill.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 209.
Bill read second time.
The following amendment was proposed by the Committee on Revenue and Economic Development:
Amendment No. 149.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 149 to Senate Bill No. 209 amends Section 1, Subsection 2, to include without limitation, recommendations regarding the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 211.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 324.
Senator Cegavske moved the adoption of the amendment.
Remarks by Senators Cegavske and Hardy.

SENATOR CEGAVSKE:
Thank you, Mr. President. Amendment No. 324 to Senate Bill No. 211 allows a physician or osteopathic physician to use the term “board certified” if he or she successfully completes a postgraduate program approved by the Accreditation Council for Medical Education or the American Osteopathic Association. It also exempts health care services or a health care practitioner who provides services in a hospital or certain medical facilities from the requirements for advertising and patient disclosure.

SENATOR HARDY:
Thank you, Mr. President. Does Amendment No. 324 to Senate Bill No. 211 deal with a physician who is grandfathered in to a board certification, has completed all of the appropriate continuing medical education requirements and so is currently board certified—will this take their board certification and nullify it?
Senator Smith moved that Senate Bill No. 211 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File. Motion carried.

Senate Bill No. 217.
Bill read second time.

The following amendment was proposed by the Committee on Transportation:
Amendment No. 435.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 435 to Senate Bill No. 217 changes the probable cost threshold by which a county must seek a bid on road construction projects from $25,000 to $100,000. For contracts in the range of $100,000 to $250,000, counties with a population of less than 45,000 have the option to bid out the project or to perform the work with county resources. For counties with a population of more than 45,000, the county must bid out all new construction over the $100,000 threshold pursuant to Chapter 332 or Chapter 338 of Nevada Revised Statutes, as applicable.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 224.
Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 218.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 218 to Senate Bill No. 224 provides for the imposition of community service if a defendant cannot pay the fee of $500.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 228.
Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 519.
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 519 to Senate Bill No. 228 makes numerous changes to the ethics laws of Nevada: (1) makes changes to public contracts; (2) makes changes to clarify that an individual cannot concurrently serve as a public officer or employee and hold a separate public office that permits that person to exercise controlling influence over the employer; (3) makes changes to the cooling-off period affecting State and local public officers and employees; (4) aligns confidentiality of Commission on Ethics records with protections afforded other State agencies; (5) clarifies provisions related to relying on advice of counsel; (6) makes changes to certain provisions in the manual of the Commission on Ethics; and (7) provides that prohibitions on former public officers and employees representing individuals
before certain government agencies for one year after termination do not apply to those who held their positions before January 1, 2014.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 243.**
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
**Amendment No. 338.**
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 338 to Senate Bill No. 243 requires the standard form for use by law enforcement to identify the process by which a person may have his or her biological specimen destroyed and his or her DNA profile or DNA record purged from the forensic laboratory, the State DNA database and Combined DNA Index System, or “CODIS.” It provides that law enforcement shall provide the form to a person upon release from custody if the person has submitted a specimen. The amendment increases the administrative assessment from $2 to $3 and deletes the provision of a social security number to law enforcement making the arrest. And finally, it establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice. The members of the Subcommittee are appointed by the Chair of the Commission and must, at a minimum, include: 1) a member experienced in defending criminal actions; and 2) a member of a minority community organization whose mission includes the protection of civil rights for minorities.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 246.**
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
**Amendment No. 370.**
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.

Thank you, Mr. President. Amendment No. 370 to Senate Bill No. 246 makes technical changes for the purpose of clarification. The word “major” is changed to “primary” with regard to the purpose of an organization, which brings it into conformance with other sections of *Nevada Revised Statutes*. The word “expenditure” is changed to the plural form “expenditures” to indicate aggregate expenditures and not one single expenditure. The word “calendar” is inserted to indicate that the period for registration is seven consecutive calendar days after the qualifying event.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 255.**
Bill read second time.
The following amendment was proposed by the Committee on Education:
**Amendment No. 447.**
Senator Goicoechea moved the adoption of the amendment.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Amendment No. 447 to Senate Bill No. 255 provides that the proceeds and rents from the sale or lease of property operated by the Nevada Agricultural Research System may be used, versus used exclusively, for the purposes of current or new agriculture education, production or research programs. It also allows for the proceeds of the sale or lease of agricultural property specified in the bill to be used for other purposes if the Board of Regents seeks and obtains prior approval from the Legislature.

Amendment adopted.

Senator Goicoechea moved that Senate Bill No. 255 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 487.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Amendment No. 487 to Senate Bill No. 267 prohibits any person who is less than 18 years of age from using tanning equipment in a tanning establishment. It also revises the amounts for civil penalties if an owner or operator of a tanning establishment allows someone under the age of 18 to use the tanning equipment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 378.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Thank you, Mr. President. Amendment No. 378 revises certain provisions of Senate Bill No. 278. In addition to being able to establish a registry of abandoned homes, it also authorizes the Board of County Commissioners of a county and each governing body of an incorporated city to talk about homes that may become abandoned. It also allows a county commission or a municipality to designate an agency to inspect real property upon a request to do so, to determine abandonment. In addition, it requires first-class mail and posting on the door of any home that has been declared abandoned with a 30-day notice requirement that the owner respond.

Amendment No. 378 to Senate Bill No. 278 provides a 6 month timeframe by which a sale, pursuant to this statute, must take place, or a fine will ensue. It provides a definition of “applicable governmental entity” and sets a sunset on the measure of June 30, 2017.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 339
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 339 to Senate Bill No. 280 provides that if a past due obligation is 60 days or more past due, the association must mail a full statement of account showing all transaction history for the immediately preceding 24 months along with a schedule of fees that may be charged if payment is not received, and a proposed repayment plan. It provides that if payment is not received within 15 days after the mailing of the documents, the association must mail at least two letters, containing specific information. It also adds a provision that the association may foreclose a lien if the amount of delinquency exceeds 12 months of assessments for common expenses. Finally, the amendment provides for the right of redemption for the unit’s owner, if the unit is owner occupied.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 286.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 187.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 187 to Senate Bill No. 286 clarifies that the court shall rule on the motion within seven judicial days after the motion is served upon the plaintiff. It also makes it permissive for the court to award an additional amount up to $10,000 under certain circumstances.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 297.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 406.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 406 to Senate Bill No. 297 retains the current one-year term of imprisonment for crimes committed against persons 60 years of age or older or against vulnerable persons.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 307.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 241.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 241 to Senate Bill No. 307 provides a definition for “foreign jurisdiction” and “non-testamentary trust” in Chapter 132 of Nevada Revised Statutes. It provides a definition for “district court” be added in Section 116 of Chapter 132 of Nevada Revised Statutes. Finally, based upon the amendments, Sections 8, 9 and 17 of the bill are deleted.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 312.
Bill read second time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 415.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 415 to Senate Bill No. 312 limits the scope of the bill to counties with a population of 100,000 people or more. It also reduces the penalty from $5,000 to $1,000 for making a false statement with regard to the qualifications to serve as a victim impact panelist. The amendment adds a requirement that security personnel must be present at victim impact panels to ensure class participants are not under the influence of drugs or alcohol.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 362.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 381.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 381 to Senate Bill No. 362 retains, with certain revisions, the current statutory provisions relating to documented staffing plans and deletes provisions relating to specific staffing ratios. It requires affected hospitals to include certified nursing assistants on their staffing committees. It further requires documented staffing plans to include the number of certified nursing assistants in a unit, and protocols to ensure adequate staffing in the event of an emergency. It also requires health care facilities to be staffed in accordance with their plan.
Amendment No. 381 to Senate Bill No. 362 expands the provisions so that each applicable health care facility must adopt and disseminate written policies governing when a certified nursing assistant or a licensed nurse may refuse a work assignment. It requires the Health Division to ensure general compliance with the provisions of the bill and to adopt necessary regulations to carry out certain provisions of the bill. Finally, the amendment strengthens the Health Division’s ability to enforce the requirements of the measure as part of its existing inspection process.

Amendment adopted.
Senator Kieckhefer moved that Senate Bill No. 362 be re-referred to the Committee on Finance upon return from reprint. Motion carried. Bill ordered reprinted, engrossed and to the Committee on Finance.

**Senate Bill No. 391.**
Bill read second time. The following amendment was proposed by the Committee on Education: **Amendment No. 452.** Senator Cegavske moved the adoption of the amendment. Remarks by Senator Cegavske.

Thank you, Mr. President. **Amendment No. 452** to Senate Bill No. 391 converts the essential provisions of Senate Bill 391 into an interim study concerning the governance and funding of Nevada’s community colleges. The amendment provides a legislative declaration concerning the importance of community colleges to the State’s economic development efforts; their presence in underserved rural communities; and their responsive nature to needs of employers and the surrounding communities within their service areas. It also requires the Legislative Commission to appoint a six-member committee to study methods of governance and financing for Nevada Community Colleges. I urge your support. Amendment adopted.

Senator Smith moved that Senate Bill No. 391 be re-referred to the Committee on Finance upon return from reprint. Motion carried. Bill ordered reprinted, engrossed and to the Committee on Finance.

**Senate Bill No. 409.**
Bill read second time. The following amendment was proposed by the Committee on Judiciary: **Amendment No. 201.** Senator Kihuen moved the adoption of the amendment. Remarks by Senator Kihuen.

Thank you, Mr. President. **Amendment No. 201** to Senate Bill No. 409 adds Assemblyman Horne to the list of joint sponsors. Amendment adopted. Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 410.**
Bill read second time. The following amendment was proposed by the Committee on Health and Human Services: **Amendment No. 356.** Senator Kieckhefer moved the adoption of the amendment. Remarks by Senator Kieckhefer.

Thank you, Mr. President. **Amendment No. 356** to Senate Bill No. 410 revises the structure of sterile hypodermic device programs, in the following ways: (1) it provides that only governmental agencies and nonprofit corporations may establish such a program; and (2) it removes the listing of items, other than sterile hypodermic devices and related material, that a program may provide. I would like to thank the sponsor of the bill for bringing it forward.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 414.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 340.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 340 to Senate Bill No. 414 removes the revisions to the definition of “cyber-bullying” and instead provides that the measure prohibits a minor from transmitting or distributing certain images of bullying committed against another minor.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 421.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 424.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 424 to Senate Bill No. 421 provides that the provisions of the bill apply only in civil actions. It also clarifies that a challenge for cause may be taken on the grounds of any financial interest on the part of a juror. The amendment clarifies that a challenge for cause may be taken on the grounds that there is an existence of a state of mind in the juror that the juror is biased for or against any party to the proceeding. Finally it provides that challenges for cause may be held in chambers and provides a sunset of June 30, 2015, for the provisions of the bill.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 424.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 348.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 348 to Senate Bill No. 424 adds a provision that any right of first refusal must be conditioned upon the same terms the judgment creditor or the beneficiary of the deed of trust intends to accept in a subsequent sale of the real property.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 425.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 423.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 423 to Senate Bill No. 425 authorizes a person who is licensed to engage in off-track pari-mutuel wagering to accept certain wagers, agree to refunds, or rebates, increase payoffs or pay bonuses on off-track pari-mutuel wagers, unless the Nevada Gaming Commission otherwise prohibits such conduct by regulation. It also provides that the measure is effective upon passage and approval.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 441.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 349.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 349 to Senate Bill No. 441 replaces the term “in real time” with “concurrent manner.” It clarifies that the two-year statute of limitations applies to any remedy or cause of action in which the plaintiff learns or should have learned of the underlying facts before the date of dissolution, or within three years after the date of dissolution with respect to any other remedy or cause of action. The amendment deletes Section 13 of the bill, which provides that unless the articles of organization or operating agreement provide otherwise, a member or manager of a limited liability company does not owe a fiduciary duty to the limited liability company or to certain other persons, solely by being a member or manager. Amendment No. 349 to Senate Bill No. 441 replaces the term “survivors” with “personal representatives” and replaces Section 460 of Chapter 92A of Nevada Revised Statutes with Section 480 of Chapter 92A of Nevada Revised Statutes.

It also adds language: if, and to the extent that, a member, manager or other person has duties to a limited liability company, to another member or manager, or to another person that is a party to or is otherwise bound by the operating agreement, such duties may be expanded, restricted or eliminated by provisions in the operating agreement.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 448.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 517.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 448 to Senate Bill No. 517 instructs the Legislative Committee on Health Care to consider and evaluate methods to promote federally qualified health centers and rural health clinics as part of its review of health care during the upcoming Legislative Interim, and to report its findings and recommendations to the Legislature.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 453.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 354.

Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 354 to Senate Bill No. 453 clarifies that the bill only applies to students during school hours on school grounds. It also clarifies that school districts do not have responsibility for implementation at charter schools within the district. The amendment removes provisions that require the State or district health officer to provide training in the proper storage and administration of auto injectable epinephrine to charter schools. Finally, it clarifies that a physician may issue an order, instead of a prescription, allowing a public or private school to obtain and maintain auto-injectable epinephrine.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 102.

Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 102 to Senate Bill No. 463 provides that if a judge of the court of appeals who has served as a justice of the Supreme Court, judge of the Court of Appeals or judge of a district court, or any combination thereof, for at least four years, is entitled to an additional salary of two percent of his or her base salary for each year of service. The additional salary must not exceed 22 percent of his or her annual base salary.

Amendment adopted.
Senator Smith moved that Senate Bill No. 463 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 350.

Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 350 to Senate Bill No. 478 provides for a surety bond made payable to the State of Nevada in an amount fixed but not less than 50 percent of the amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 496 be taken from the Secretary’s Desk and placed at the top of the Second Reading File for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 548.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senators Atkinson and Kieckhefer.

SENATOR ATKINSON:

Thank you, Mr. President. Amendment No. 548 to Senate Bill No. 496 requires that an insurer file a portable electronic insurance policy with the Commissioner before the insurer uses the form. It also provides that an insurer who provides portable electronics insurance to have received the payment of a premium when an enrolled customer makes a payment to the vendor.

SENATOR KIECKHEFER:

Thank you, Mr. President. It was brought to my attention that this amendment is different than what was passed out of Committee. I am looking at the bottom of page 3 of Amendment No. 548 to Senate Bill No. 496; can you explain how this amendment is different than what the Committee approved?

SENATOR ATKINSON:

Thank you, Mr. President. Amendment No. 548 to Senate Bill No. 496 is actually not different than what was approved by the Committee; there was an error on the original amendment. The requestor of the bill caught the error and asked us to redraft. This new amendment is the result.

SENATOR KIECKHEFER:

Thank you, Mr. President. I want to be clear because there appears to be a big difference between the old amendment and Amendment No. 548 to Senate Bill No. 496. In Section 1, Subsection 3, it says, “an insurer must file” in Amendment No. 548 and that language was eliminated in the original amendment. The intent of the Committee was that this section would be stricken?

SENATOR ATKINSON:

Yes. Thank you.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 426.

Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 426 to Senate Bill No. 503 removes all sections and provisions requiring the Department of Motor Vehicles to issue a license or identification card that is federally qualified.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 321.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 547.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 547 to Senate Bill No. 321 deletes Sections 21 through 29 of the bill, as introduced. It reinstates Section 265 of Chapter 645F of Nevada Revised Statutes, which provides for the registration of certain persons and institutions engaged in the business of servicing mortgage loans. The amendment provides that the additional restrictions outlined in the measure do not apply to a credit union that, during its immediately preceding annual reporting period as established with its primary regulator, has foreclosed on 100 or fewer owner-occupied homes located in Nevada.
Finally, it deletes Section 16, Subsection 7 of the bill, which relates to deceptive trade practice and adds Senators Brower, Hammond and Hutchison as cosponsors of the bill.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 211.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 324.
Senator Cegavske moved the adoption of the amendment.
Remarks by Senators Cegavske and Hardy.

SENATOR CEGAVSKE:
Thank you, Mr. President. Amendment No. 324 to Senate Bill No. 211 allows a physician or osteopathic physician to use the term “board certified” if he or she successfully completes a postgraduate program approved by the Accreditation Council for Medical Education of the American Osteopathic Association. It also exempts health care services or a health care practitioner who provides services in a hospital or certain medical facilities from the requirements for advertising and patient disclosure.

SENATOR HARDY:
Thank you, Mr. President. I rise in support of Amendment No. 324 to Senate Bill No. 211.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS
There being no objections, the President and Assistant Secretary of the Senate signed Senate Resolution Nos. 5 and 6.
GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to City of Reno Councilwoman Hillary Schieve; also to the McQueen High School Austrian students, teachers and chaperones; students: Julia Hönigl, Armin Kammerhofer, Sarah König, Manuel Marko, Nicole Mozisch, Robert Paus, Valentina Pschorrn, Lukas Reiger, Juliana Reisenzahn, Lisa Reitbauer, Tobias Schmid, Maximilian Thummerer, Alexander Übelacker and Victoria Zitterer; Austrian teachers: Anita Auer and Maria Riegler; American teachers: Chris Case and Rebecca Young; and American chaperones: Bill Langley and Katie Langley.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Adam Cegavske.

On request of Senator Goicoechea, the privilege of the Floor of the Senate Chamber for this day was extended to Mayor Clifford Eklund from the City of Carlin, and City Manager Curtis Calder and Councilwoman Mandy Simons, both from the City of Elko.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to City Manager Shaun Carey and Councilman Ed Lawson from the City of Sparks; and also to the students, teachers and bus driver from Esmeralda County School District; students: Rory Bradley, Adrian Cortez, Levi Graf, Sydney Graf, Sarah Grant, Carlos Guerrero, Stephanie Miramontes, Sammual Munk, Skyla Ogilvie, Meghan Richardson, Darian Tezanos and Megan Thackeray; and chaperones: Jose Cortez, Luticia Cortez, Gary Gazaway and Linda Gazaway.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Aaron Baker from the City of Mesquite and Councilwoman Gerri Schroder from the City of Henderson.

On request of Senator Hutchison, the privilege of the Floor of the Senate Chamber for this day was extended to Kelsey Tueller and Piers Tueller.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Councilwoman Neoma Jardon from the City of Reno.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Elvira Diaz and Cory Hernandez.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Councilman Roy Edgington Jr., City Manager Chris Good and Councilwoman Susan Seidl, all from the City of Fernley.
On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Reverend Neal Anderson, and Mayor Geno Martini and Councilwoman Julia Ratti, both from the City of Sparks.

On request of Senator Spearman, the privilege of the Floor of the Senate Chamber for this day was extended to City of Reno Councilwoman Jenny Brekhus.

Senator Denis moved that the Senate adjourn until Monday, April 22, 2013, at 11:30 a.m.
Motion carried.

Senate adjourned at 6:25 p.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate