Senate called to order at 12:01 p.m.
President Krolicki presiding.

President Krolicki requested that the Senate take a moment to reflect on the incident one week ago at the Boston Marathon and observe a moment of silence to support and consider those who lost their lives and those who were so badly injured.

Roll called.
All present.

Prayer by Pastor Peggy Locke, Fountainhead Foursquare Church, Carson City.

Because Your loving-kindness is better than life, my lips will praise You. So I will bless You as long as I live; I will lift up my hands in Your name.

Please pray with me. O God, Most High, Creator, Sustainer and Giver of Life, as we gather together today, representing the people of our great State of Nevada, we ask for Your discernment, understanding and wisdom as this Floor Session begins.

We pray for families and friends who have been affected by the tragedy in Boston this last week. We pray for healing in our Nation, that we stay strong in faith in the midst of terror and the continuing onslaught of the enemy.

We give You thanks, Lord, for Your abiding presence with us; that through the storms of life, You promise never to leave us nor forsake us. We pray for all those serving in harm’s way—at home and abroad. Protect them and bless each one who strives for freedom and peace in our country.

We pray in Your most holy Name.

AMEN.

Pledge of Allegiance to the Flag led by Zoe Bertz.

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. 252, 266, 327 and 352, 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. 221, 277 and 502, 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 Legislative Operations and Elections, to which was referred Senate Bill No. 49, 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 Natural Resources, to which were referred Senate Bill Nos. 82, 133, 148, 371 and 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, Chair

Mr. President:
Your Committee on Transportation, to which was referred Senate Bill No. 210, 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

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Senate Bill Nos. 49, 82, 133, 148, 210, 221, 252, 266, 277, 327, 352, 371, 399 and 502, just reported out of committee, be placed on the Second Reading File for this legislative day.
Motion carried.

Senator Smith moved that Senate Bill Nos. 183, 280, 373 and 422 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Senator Cegavske moved that Senate Bill No. 192 be taken from the Secretary’s Desk and placed on the General File for this legislative day.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE
By the Committee on Finance:
Senate Bill No. 511—AN ACT making an appropriation to Save the Children for in-school and after-school literacy programs in this State; and providing other matters properly relating thereto.

Senator Smith moved that the Senate Bill No. 511 be referred to the Committee on Finance.
Motion carried.

SECOND READING AND AMENDMENT
Senate Bill No. 49.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 329.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.
Thank you, Mr. President. Amendment No. 329 to Senate Bill No. 49 relates to campaign finance reporting. The amendment: (1) makes changes to restrictions placed on personal use of
campaign funds; (2) clarifies reporting of ending fund balances; (3) increases the threshold for reporting contributions and makes other changes to reporting requirements; (4) clarifies that expenditures include advertising on the Internet; (5) adds to the report a new category of expenses incurred in connection with holding office; (6) moves reporting periods during nonelection years to a quarterly system; (7) applies certain provisions to candidates as well as public officers; and (8) makes changes relating to the reporting of gifts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 82.**

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

**Amendment No. 304.**

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 304 to Senate Bill No. 82 deletes the bill in its entirety and instead replaces it with a number of “whereas” clauses that provide statistics regarding the bear hunt that was authorized in Nevada for 2011 and 2012. It includes statements referencing the positions of both the proponents and opponents of the original version of Senate Bill No. 82, and “acknowledges the various perspectives on the hunting of black bears in Nevada.” The amendment urges both sides “to engage in productive and meaningful discussions with the goal of achieving consensus on the proper management of Nevada’s black bear population.”

Finally, the amendment asks the Board of Wildlife Commissioners to submit its three-year scientific review of the bear hunt to the Nevada Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 133.**

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

**Amendment No. 157.**

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Amendment No. 157 to Senate Bill No. 133 clarifies that a monitoring, management and mitigation plan, or “3M Plan” is indeed a single plan and it clarifies that a county’s participation in the “3M Plan,” as authorized in the bill, applies to an application for a new application to appropriate water after January 1, 2012.

The amendment provides that: (1) the State Engineer shall allow the county’s participation within 30 days after requiring the 3M Plan; (2) the point of diversion in question must have been an “approved” point of diversion; (3) a county’s involvement is in an advisory capacity and the State Engineer is not required to include a county’s comment or analysis in the 3M plan; and (4) specifies that a determination of the State Engineer to not include such comments or analysis shall not be considered a decision that is subject to judicial review.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.
The following amendment was proposed by the Committee on Natural Resources:

**Amendment No. 499.**

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 499 to Senate Bill No. 148 provides for a reporting to the Legislature of the excess money distributed to local air pollution control agencies as set forth in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

The following amendment was proposed by the Committee on Transportation:

**Amendment No. 83.**

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Thank you, Mr. President. Amendment No. 83 to Senate Bill No. 210 amends the bill to include charter bus drivers to the proposed permitting requirements and removes other exemptions. It requires the Nevada Transportation Authority to forward fingerprints to the central repository for Nevada Records of Criminal History. The amendment also gives the Nevada Transportation Authority the ability to conduct an additional investigation if deemed “necessary.” Senate Bill No. 210 adds provisions authorizing the Nevada Transportation Authority to deny a permit based on the results of a background check and adds a fingerprint processing fee. It changes the term of the permit from one to three years and changes the effective date to January 1, 2014. I appreciate your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

The following amendment was proposed by the Committee on Health and Human Services:

**Amendment No. 362.**

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 362 to Senate Bill No. 221 makes technical changes to ensure the proper reporting of information to the National Crime Information Center. First, the amendment clarifies that the provisions of the bill do not apply to: (1) the transfer of an antique firearm, or a curio or relic as defined in federal regulations; (2) a transfer that is a gift or loan between certain family members; (3) a transfer that occurs by operation of law or through the execution of an estate or trust; or (4) certain temporary transfers. Amendment No. 362 to Senate Bill No. 221 prohibits the Central Repository from charging a fee for a background check required by the bill. It also prohibits a person from owning or possessing a firearm if they are prohibited by federal law from possessing a firearm, or in a court...
of law: (a) have entered a plea of guilty but mentally ill; (b) have been found guilty but mentally ill; or (c) have been acquitted by reason of insanity.

Finally, the amendment clarifies provisions requiring that mental health professionals take certain steps to report an explicit, specific and imminent threat reported by persons under their care and provides certain protections from civil or criminal liability in these circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 266.**

Bill read second time.

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

**Amendment No. 443.**

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Thank you, Mr. President. Amendment No. 443 to Senate Bill No. 266 changes the effective date for health benefit plans governed by the Silver State Health Insurance Exchange to January 1, 2015, and January 1, 2014, for other health benefit plans. It also exempts an existing trust fund formed by a local government employer or employee association to provide health and welfare benefits. The amendment exempts Medicaid Managed Care Organizations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Senate in recess at 12:27 p.m.

**SENATE IN SESSION**

At 12:31 p.m.

President Krolicki presiding.

Quorum present.

**Senate Bill No. 277.**

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

**Amendment No. 361.**

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 361 to Senate Bill No. 277 clarifies that ammunition, in addition to firearms, is subject to the provisions of the bill. It also outlines the circumstances and procedures under which the record of a person’s involuntary commitment to a mental health facility can be removed from the Central Repository for Nevada Records of Criminal History and related databases.

Amendment adopted.
Senator Kieckhefer moved that Senate Bill No. 277 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senator Bill No. 327.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Senator Jones moved the adoption of the amendment.
Remarks by Senator Jones.
Thank you, Mr. President. Amendment No. 210 to Senate Bill No. 327 requires that a supervising osteopathic physician provide supervision to his or her physician assistant in person during the first 30 days of supervision. It authorizes registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics only within Nevada. The amendment requires that a person licensed by the Board of Medical Examiners and who practices telemedicine must keep a current electronic mail address for receipt of any and all correspondence with the Board. Finally, it clarifies that an osteopathic physician who engages in telemedicine must document the consent with the patient in order to engage in telemedicine with the patient.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senator Bill No. 352.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 490.
Senator Settelmeyer moved the adoption of the amendment.
Remarks by Senator Settelmeyer.
Thank you, Mr. President. Amendment No. 490 to Senate Bill No. 352 came through the Senate Committee on Commerce, Labor and Energy. The amendment seeks to clean up some of the issues that were raised.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senator Bill No. 371.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 301.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 301 to Senate Bill No. 371 specifies that the prohibition against intentionally feeding wild animals only applies to the feeding of big game mammals. It clarifies that, for a first offense, a person must not be cited and instead be informed in writing that the intentional feeding constitutes a violation. It also revises the fines for a
second offense to $250 and third or subsequent offenses to $500. It removes the misdemeanor penalty for a third offense.

Amendment No. 301 to Senate Bill No. 371 provides an exemption for an employee or agent of the Nevada Department of Wildlife or the Animal and Plant Health Inspection Service of the United States Department of Agriculture. It also defines “big game mammal” to include antelope, black bear, mule deer, mountain goat, mountain lion, elk or bighorn sheep.

Finally, it deletes “chumming” from the bill in order to protect coyotes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 495.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 495 to Senate Bill No. 399 clarifies that the definition of “biodiesel” can conform with current American Society for Testing and Materials International standards, even if the American Society for Testing and Materials might make adjustments to the definition. It also deletes “other than biodiesel” in Subsection 1 of Section 1, to clarify that the State Board of Agriculture may include all motor vehicle fuels in fuel specification regulations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 369.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 369 to Senate Bill No. 502 clarifies that an applicant for employment at a licensed medical facility, who provides false information related to their background check, may only be guilty of a misdemeanor when the false information they provided relates to something that would have statutorily disqualified them from being considered for the position. It also clarifies that denial of a license, or termination for substantiated reports of abuse or neglect, only applies to employees or applicants of facilities that provide residential services to children.

Amendment No. 369 to Senate Bill No. 502 provides several technical changes, including: (1) adding to Chapter 449 of Nevada Revised Statutes, “Medical and Other Related Facilities;” (2) clarifying usage of the facility licensure Internet website; (3) adding several facility types; (4) requiring only one set of fingerprints for employee background checks; (5) revising provisions related to verifying employee qualifications and background checks; and (6) clarifying that certain employee and independent contractor information may be collected, some of which must be reported into the facility licensure Internet website.
Amendment adopted.
Senator Kieckhefer moved that Senate Bill No. 502 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Atkinson moved that Senate Bill No. 252 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING
Senate Bill No. 31.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. Senate Bill No. 31 provides that a Director of Juvenile Services, Chief Juvenile Probation Officer or the Chief of the Youth Parole Bureau may, upon written request and good cause shown, share appropriate juvenile justice information with certain entities for purposes of ensuring the safety, permanent placement, rehabilitation, educational success, and the well-being of a child. Juvenile justice information is defined as information directly related to a child in need of supervision, delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

The measure provides that the information released is confidential. If the information is requested for purposes of bona fide research that may be used to improve juvenile justice services or secure additional funding for such services, the information shall be provided in the aggregate, without personal identifying information. The measure also stipulates that the information provided may not be used to deny a child access to any service for which the child would otherwise be eligible. Finally, the measure authorizes an agency that provides child welfare services to charge a fee for processing costs reasonably necessary to prepare the requested information for release. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 31:
YEAS—21.
NAYS—None.

Senate Bill No. 31 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 88.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Senate Bill No. 88 authorizes 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 coverage without requiring the owner of the vehicle to pay a fee or administrative fine if the registered owner 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 liability insurance coverage.
Roll call on Senate Bill No. 88:
YEAS—21.
NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 92.
Bill read third time.
The following amendment was proposed by Senator Hardy:
Amendment No. 506.
Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.

Thank you, Mr. President. Amendment No. 506 to Senate Bill No. 92 is a result of working extensively with representatives of the American Heart Association and others including March of Dimes. We now better understand critical congenital heart disease and how to diagnose it.
Amendment adopted.
Senator Smith moved that Senate Bill No. 92 be re-referred to the Committee on Finance upon return from reprint.
Motion carried.
Bill ordered reprinted, re-engrossed and to the Committee on Finance.

Senate Bill No. 94.
Bill read third time.
Remarks by Senator Atkinson.

Thank you, Mr. President. Senate Bill No. 94 authorizes a high-interest loan service to charge a late fee of no more than $25, payable on a one-time basis, on any loan that remains unpaid ten days or more after the date of default. This bill is effective on October 1, 2013. I urge your support.

Roll call on Senate Bill No. 94:
YEAS—18.
NAYS—Parks, Segerblom, Smith—3.

Senate Bill No. 94 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 103.
Bill read third time.
Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 103 revises the period of limitation for crimes relating to the sexual abuse of a child. The measure provides that 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 that age; 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.
Roll call on Senate Bill No. 103:
YEAS—21.
NAYS—None.

Senate Bill No. 103 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 104.
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. Senate Bill No. 104 replaces the current panel, which evaluates sexual offenders who are in prison, with a requirement that the Nevada Department of Corrections makes an independent assessment. There have been problems with the current makeup of the panel; this bill addresses that and provides for more standardized treatment and view before these prisoners are released.

Roll call on Senate Bill No. 104:
YEAS—21.
NAYS—None.

Senate Bill No. 104 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 107.
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. Senate Bill No. 107 limits the use of solitary confinement for juveniles. It also provides for a study of solitary confinement for the entire prison system with a report back in two years.

Roll call on Senate Bill No. 107:
YEAS—21.
NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 111.
Bill read third time.
Remarks by Senators Jones, Brower and Ford.

Senator Jones:
Thank you, Mr. President. Senate Bill No. 111 requires a person who owns or controls the premises on which an injury or death allegedly occurred to produce and provide copies, if any, of any visual evidence of the incident to the claimant or an attorney representing the claimant. The copies must be provided within 15 judicial days after receipt of the written request and affidavit. The measure also provides that the person who is requested to produce the copies may quash the request under certain circumstances. Senate Bill No. 111 also provides for a study of the issue of perceived discovery. I believe this bill will reduce frivolous lawsuits which is something we all agree would be a good outcome. I urge your support.
SENATOR BROWER:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 111. This was a very contentious issue in Committee and came out with a divided vote. The bill would significantly change the way civil litigation is done in our State. It will not, in my opinion, undermine the proliferation of frivolous lawsuits. It constitutes an unprecedented invasion of the privacy of private property owners in our State.
To the extent that pre-litigation discovery is worth exploring, I agree that should be done by way of the Nevada Supreme Court’s rulemaking process, which is the way the Nevada Rules of Civil Procedure are generally reconsidered and changed. Doing it the way proposed in Senate Bill No. 111 is something I cannot support. I will be voting no and I urge your no vote as well.

SENATOR FORD:
Thank you, Mr. President. I rise in support of Senate Bill No. 111. I would like to highlight how this bill has changed since it was introduced to Committee. There was language inserted to address the concerns raised by the Committee. The ability to quash the subpoena is one example, the ability to obtain counsel before responding to the subpoena is another. There are several other procedural safeguards added as well; these are safeguards that are currently available under Nevada Rule of Civil Procedure 45. I urge your support.

Roll call on Senate Bill No. 111:
YEAS—11.
NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10
Senate Bill No. 111 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 112.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Senate Bill No. 112 requires the Legislative Committee on Health Care, as part of its review of health care during the 2013-2015 Legislative Interim, to consider the manner in which provisions governing the oversight of physicians and certain facilities that provide general anesthesia, conscious sedation and deep sedation have been carried out.

Roll call on Senate Bill No. 112:
YEAS—21.
NAYS—None.
Senate Bill No. 112 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 127.
Bill read third time.
Remarks by Senator Parks.
Thank you, Mr. President. Senate Bill No. 127 prohibits an employer from conditioning the employment of an employee or prospective employee on the person’s consumer credit report or other credit information unless the information contained in the report or other credit information is reasonably related to the position of employment. The measure establishes civil remedies available to a person affected by a violation committed by an employer. Further, the Labor Commissioner is authorized to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.
Roll call on Senate Bill No. 127:
YEAS—21.
NAYS—None.

Senate Bill No. 127 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 141.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. Senate Bill No. 141 requires an agency of criminal justice to disseminate a record of criminal history to a court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court. I urge your support.

Roll call on Senate Bill No. 141:
YEAS—21.
NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 152.
Bill read third time.
Remarks by Senator Denis.
Thank you, Mr. President. Senate Bill No. 152 provides that the right of a retailer to claim a sales tax deduction or refund based on a bad debt, as provided under current law, is not affected by the assignment of the debt to a closely held affiliated group that includes the retailer. The bill defines an “affiliated group” as an “affiliated group” or “a controlled group of corporations” as those terms are defined in the federal Internal Revenue Code.

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 July 1, 2013, for all other purposes.

Roll call on Senate Bill No. 152:
YEAS—21.
NAYS—None.

Senate Bill No. 152 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 170.
Bill read third time.
Remarks by Senator Atkinson.
Thank you, Mr. President. Senate Bill No. 170 authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. Any such charge for storage of a motor vehicle must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same geographic area. In cases of nonconsensual tows, a body shop must make a reasonable attempt to contact the vehicle’s owner and notify the owner of the vehicle’s location.
and charges imposed for storage. The measure also requires body shops to report vehicle storage rates to the Department of Motor Vehicles via an online survey. Finally, the measure provides injunctive relief, civil penalties and criminal misdemeanor penalties for violations of provisions in the bill. This bill is effective on July 1, 2013. I urge your support.

Senator Manendo disclosed a potential conflict of interest. He stated that he worked in the collision repair industry, that the bill would not affect him any differently than anyone else and that he would be voting on Senate Bill No. 170.

Roll call on Senate Bill No. 170:
YEAS—21.
NAYS—None.

Senate Bill No. 170 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 179.
Bill read third time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 542.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 542 to Senate Bill No. 179 creates an exception for residential areas with a speed limit of 25 miles per hour or less on the streets; pedestrians do not need to use a crosswalk if they are crossing within 250 feet of a marked or unmarked crosswalk. In these instances, pedestrians must yield to vehicle traffic.

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

Senate Bill No. 185.
Bill read third time.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Under existing law, Chapter 396 of Nevada Revised Statutes, the Board of Regents of the University of Nevada is authorized to issue revenue bonds to finance capital improvements. Senate Bill No. 185 increases by $79,360,000, the existing principal amount of bonds and other securities that may be issued by the Board of Regents from $348,360,000 to $427,715,000 to finance certain capital construction projects at the University of Nevada, Reno. The increased bonding authority would augment existing bond capacity to fund the demolition of Getchell Library and build a Student Achievement Center; the seismic retrofit of Manzanita Residence Hall; build an indoor multi-purpose practice facility; expand the Lombardi Recreation Center facility; and build a new residence hall. This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 185:
YEAS—20.
NAYS—Cegavske.
Senate Bill No. 185 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 1:09 p.m.

SENATE IN SESSION

At 2:04 p.m.
President Krolicki presiding.
Quorum present.

Senate Bill No. 192.

Bill read third time.

Remarks by Senators Hutchison, Ford, Spearman, Hardy, Jones and Cegavske.

Senator Hutchison:
Thank you, Mr. President. Senate Bill No. 192 was placed on the Secretary’s Desk last Friday. I delivered the floor statement, which was followed by remarks by my friends and colleagues from Senate Districts Nos. 1, 3 and 11. I want to address some questions about anti-discrimination laws as well as women’s reproductive rights.

Senate Bill No. 192 has been amended. I am happy that my colleague from Senate District No. 11 acknowledged that with the amendments he suggested, his concerns about the adverse effects Senate Bill No. 192 may have on anti-discrimination laws have been resolved.

This law would impose a compelling state interest test if government substantially burdens somebody’s free exercise of religion. The old compelling state interest test—which was established by the United States Supreme Court in 1963 by the Warren Court and authored by Justice Brennan—stood side-by-side with anti-discrimination laws. The Sherbert v. Verner decision in 1963 by Justice Brennan implemented this test, two years later in 1965, when the Civil Rights Act was enacted. For decades these two laws stood side-by-side. In 1973, the United States Supreme Court decided Roe v. Wade. For decades, these three laws—the compelling state interest test, Roe v. Wade and the Civil Rights Act of 1965—stood side by side. The courts determined what was a compelling state interest when there was a clash of interests. It happened at times; the United States Supreme Court resolves these conflicts. Other federal courts do as well. We have many legal interests and often they compete. When this happens, the courts have to weigh competing interests.

Senate Bill No. 192 requires when the free exercise of religion is involved, and government substantially burdens the free exercise of religion, the compelling state interest test applies. This test was applied in a case involving a university that based its admissions standards on racially-discriminatory bases. The Internal Revenue Service revoked their tax-exempt status. As a result, Bob Jones University sued claiming they had a free exercise of religion right to discriminate. In Bob Jones University v. United States, the United States Supreme Court held that the government has a compelling state interest to preclude private actors from engaging in racially-discriminatory conduct and in adopting racially-discriminatory policies.

This case and other federal court decisions make it apparent that overcoming racial discrimination practiced by private entities is a compelling state interest that will outweigh religiously-based claims.

First Amendment rights such as free speech and free exercise of religion are fundamental rights guaranteed to United States citizens. Likewise, anti-discrimination laws grant important and time-honored rights to all citizens. For many years courts have developed a body of law that
deals fairly with conflicts between and among individual rights and societal interests. Senate Bill No. 192 continues and affirms that long tradition. I hope this analysis addresses some of the questions and issues about anti-discrimination laws and how they might be affected by this bill.

Concerning women’s reproductive rights, my colleague from Senate District No. 11 cited a memorandum on the Floor on Friday produced by the Legislative Counsel Bureau. My colleague from Senate District No. 11 indicated that case law cited therein showed Senate Bill No. 192 would have an adverse effect on women’s reproductive rights. I respectfully disagree with him. I have reviewed the memorandum at length, and I can find no case law that demonstrates there would be an adverse impact on women’s reproductive rights. I note that the Legislative Counsel Bureau could not definitely say what current legal standard applies in free-exercise jurisprudence in this State.

There were hypotheticals presented by my colleague from Senate District No. 11 for which I can find no basis in fact or in law. Indeed, in the nearly 20 years since the enactment of the federal Religious Freedom Restoration Act, as well as the 15 years since the enactment of the first State Religious Freedom Restoration Act—similar to Senate Bill No. 192—there are no recorded cases where either: (a) a pharmacist has been permitted to refuse to provide contraception or morning-after pills based on his or her deeply-held religious beliefs; or (b) an emergency room physician has been permitted to refuse to abort a child in an emergency situation based on his or her deeply-held religious beliefs. I can find no basis in law or fact presented in case law to suggest a contrary conclusion.

There were concerns expressed about Senate Bill No. 192 in the context of the civil rights arena which I would like to address. Those arguments are also inaccurate. There are no recorded cases under the State Religious Freedom Restoration Act or federal Religious Freedom Restoration Act laws where a person was allowed to discriminate against a protected class of persons based on his or her deeply-held religious convictions.

I turn to the specific findings of the Legislative Counsel Bureau in the memorandum referenced earlier. I appreciate my colleague from Senate District No. 11 sharing this document with me and others. The memorandum addressed the specific question: “whether Senate Bill No. 192 would cause health care professionals to take certain actions that conflict with their religious beliefs.” The Legislative Counsel Bureau then evaluated that legal question. The Legislative Counsel Bureau confirmed that Senate Bill No. 192 would do exactly what I referenced in my floor statement on Friday, April 19: if enacted, the courts would analyze the constitutionality of a government’s action alleged to violate a person’s free exercise of religion. Courts would require the plaintiff to show that the plaintiff’s conduct constituted a free exercise of religion. The Legislative Counsel Bureau responded, “If a plaintiff demonstrates that a government action has substantially burdened the free exercise of his or her religion, Senate Bill No. 192 would require the government to justify the action by showing that the action is the least restrictive means of furthering the government’s interest in question.” Then the Legislative Counsel Bureau said, “It is the opinion of this office that a court may find a governmental interest compelling if the government demonstrates that the government’s interest justifies the action in question. Further, a court will find that an action is the least restrictive means of furthering the governmental interest if the action only prohibits conduct detrimental to the governmental interest. However, if the action prohibits more than the conduct than was necessary to further a governmental interest, a court will likely find that the action is the least restrictive means to further the governmental interest.”

My colleagues, this is exactly the type of policy we should adopt. This is exactly what Senate Bill No. 192 does. It’s an articulation of a legal standard to protect the free exercise of religion of all Nevadans, but it is not a standard that guarantees an outcome. I know of no law we can pass that guarantees an outcome. When there are competing governmental or societal interests, a court must weigh the interests and choose the one with the weightiest interest in a specific factor context.

Hence, when Senate Bill No. 192 is applied to a case involving a pharmacist, or some other health care professional, who raises an objection to prescribing a certain medication or providing certain medical care due to sincerely-held religious beliefs, the Legislative Counsel Bureau candidly and correctly opined, “If a court applying the test prescribed by Senate Bill No. 192 were to determine that the regulation requiring a pharmacist to dispense medication,” except in
In certain limited circumstances, “imposes a substantial burden on their free exercise of religion, the burden of proof would then shift to the State to demonstrate that it has a compelling state interest in requiring the pharmacist to fill a prescription when use of the prescription or drug would violate his or her religious beliefs.” The Legislative Counsel Bureau acknowledges it does not know how this situation will turn out every time. The Legislative Counsel Bureau could not guarantee a result. “It is difficult to determine whether the court would find that the application of these provisions to such a health care provider would substantially burden the free exercise of religion. However, even if a court found the free exercise of religion to be substantially burdened, the court would likely hold that such an application is the least restrictive manner of furthering a compelling governmental interest. Therefore, it is the opinion of this office that a court using the strict scrutiny test prescribed by Senate Bill No. 192 would likely uphold the regulation requiring pharmacists and doctors to perform the medical procedures or dispense the medication under the First Amendment as well as under the Nevada Constitution.” When the Legislative Counsel Bureau analyzes the situation, it concluded our current laws requiring pharmacists to dispense medication, except in certain circumstances, are a compelling governmental interest. The same goes for a physician who may be faced with an abortion in an emergency situation.

In response to my colleague from Senate District No. 11 and his concern about restricting women’s reproductive rights in certain parts of this State, where doctors or pharmacists are few in number, I reply, the facts and the law do not support his concern.

As I mentioned, the hypothetical situations presented are not found in law or fact. I respectfully point out that Senate Bill No. 192 does not mandate or establish that a pharmacist or other health care provider has the right to refuse to provide contraception or to perform an abortion in emergency circumstances. Indeed, the Legislative Counsel Bureau has opined that the State would have a compelling governmental interest to require them to do so. The Nevada Administrative Code as well as Nevada Revised Statutes require the pharmacist, as well as a doctor, to do just that.

I am hard pressed to come up with any circumstance in which the Nevada Supreme Court would not find that the State of Nevada had a compelling state interest in making sure that women have access to health care including contraception and abortion in emergency situations. I believe that my colleague from Senate District No. 11 articulated the State’s compelling interest on Friday when he said, “I believe it is unfair, for example, to require women who may live in a more isolated part of the State to have to travel to Las Vegas or Reno to exercise her constitutional right regarding reproduction.” I fully agree; I fully support women’s reproductive rights.

I conclude that it is unknown at this point—based on my research—that specific standard the Nevada Supreme Court would apply in evaluating free-exercise constitutional challenges. One of the reasons we should pass Senate Bill No. 192 is so we will know. We are not talking about a mythical right, or an afterthought; we are talking about the First Amendment to the United States Constitution. It has been called “first among equals,” this free exercise of religion. It is what Thomas Jefferson said: an inalienable right. The least we can do when this kind of fundamental right is at issue, is to require, if the government is going to substantially burden that right, that they demonstrate a compelling state interest that is narrowly tailored before doing so.
proven. I do not want to have to subject women to the question of whether they have to go to court to enforce this particular right.

Although, you may not be able to find a case for an example right now, the federal Religious Freedom Restoration Act is being used to undermine Obamacare provisions regarding contraception. We need to be careful, timing is paramount; when we pass this law—if we pass it—the antenna will rise and those who otherwise would not have been filing lawsuits—or otherwise not depriving women of their right to the “morning-after pill”—will now be emboldened with a false sense of ability to do so. It may very well end up being a true sense of ability to do so because we are attempting to change the standard.

Do we want that analysis under the new standard? Do we want a court in every single jurisdiction in our State having to determine whether or not this new standard trumps a woman’s right to choose what she wants to do with her body in terms of reproduction? As I stated Friday I am not comfortable with that. I remind everyone that there is nothing that has been said today that undermines or differentiates anything I said on Friday. The analysis is still there; the current analysis, as we know it, exists and will allow our current laws and statutes to be upheld.

I believe enacting the Religious Freedom Restoration Act under this standard will throw a certain level of confusion to the system that we should all be concerned about. I respectfully request that you vote no on this measure.

SENATOR SPEARMAN:

Thank you, Mr. President. To my esteemed colleague from Senate District No. 6, I appreciate the elicitation that you have so eloquently stated. However, with regard to religion, one of the most vicious terrorist groups to ever exist in America, “The Night Riders,” took their pictures in front of crosses. When they wanted to make a statement about hatred or about certain people not belonging here, they did it with a symbol of the cross.

With respect to whether or not this does or does not ameliorate those facts, I have to stand with my colleague from Senate District No. 11 and say I am not convinced. History is replete with examples of how people have used religion as a scapegoat, as a cloak to discriminate. Whether because of culture, ethnicity, affection, orientation or other things, people can find religion a convenient cloak to mask what otherwise would be called discrimination.

SENATOR HARDY:

Thank you, Mr. President. I am not going to pretend to be as erudite as my colleagues who have law degrees or people who have more experiences than I have. I feel compelled to say, “we have come a long way baby.” Fifty percent of medical students are women; physicians are taught and trained not to be judgmental, to help and assist and “do no harm.”

In my life as a physician, I have tried to get people the help they need, whatever help they have needed. In my heart of hearts, understand that I have a conscience, even doctors are people too with their own challenges, individually and collectively. The medical profession has come a long way. For example, the morning-after pill, or “Plan B” as it is called by brand name, is available without a prescription. You do not have to go to a doctor if you are over 18 years of age. The availability of the method of protecting someone has been in effect for a long time. It is in this country and available without a prescription.

Physicians, as people and as citizens, have a right to conscience. I am not going to pretend to sway anybody or change anyone’s mind. It was distressing to me to talk with representatives of an organization that is championing the contesting of the bill and hear them express they do not want to make doctors do abortions. They wish to carve them out of this so they will not be able to use religion as the reason they will not provide an abortion. Some of us have a challenge, an appropriate challenge, of differentiating our conscience with our religion.

I do not believe in burning crosses nor do I believe in taking pictures in front of crosses. At church I hear the children sing, “I am a child of God.” Every one of us is a child of God, and each and every one of us will have challenges in our lives. I hope as a physician and a brother that I will be in a position not to offend, but to help people when they need it. I am supportive of this bill and, would like to note for the record, that I am counted as being in support of allowing people to have the right of conscience in this and in our great State and our great Nation.
SENATOR JONES:
Thank you, Mr. President. When my colleague from Senate District No. 8 originally approached me on this bill I spoke with her and a couple of other colleagues. Since then things have grown more complex. I want to make sure we get this right; I want to make sure we are all on the same page as to the intent of this bill.
I would like to hear from the sponsor, my colleague from Senate District No. 8, regarding her intentions and whether she is in agreement with the Senator from Senate District No. 6’s reading of the Legislative Counsel Bureau’s opinion?

SENATOR CEGAVSKE:
Thank you, Mr. President. To my colleague from Senate District No. 9, yes, I am in agreement with my colleague from Senate District No. 6’s reading of the memorandum. I have read the analysis by the Legislative Counsel Bureau. Thank you to our colleague from Senate District No. 11 for sharing it with us. I appreciate everyone’s support of Senate Bill No. 192.

Roll call on Senate Bill No. 192:
YEAS—14.

Senate Bill No. 192 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 208.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. Senate Bill No. 208 expands the definition of “police officer” to include: court bailiffs and deputy marshals of a district court or justice court, and chiefs and assistant alternative sentencing officers of departments of alternative sentencing.

Roll call on Senate Bill No. 208:
YEAS—21.
NAYS—None.

Senate Bill No. 208 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 209.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. I rise in support for Senate Bill No. 209 which requires the Board of Economic Development, in addition to other recommendations it makes to the Office of Economic Development regarding the State Plan for Economic Development, to make recommendations specific to the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State.

Roll call on Senate Bill No. 209:
YEAS—21.
NAYS—None.

Senate Bill No. 209 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Senate Bill No. 211.
Bill read third time.
Remarks by Senator Cegavske.
Thank you, Mr. President. Senate Bill No. 211 requires that an advertisement for health care services identify the type of license held by each practitioner named in the advertisement. The measure requires a health care practitioner to communicate his or her licensure to all patients by: (1) conspicuously displaying in each office where he or she practices a written patient disclosure statement identifying the type of license held; and (2) wearing a name tag while delivering health care services that indicates his or her licensure, if applicable. I ask for your support.

Roll call on Senate Bill No. 211:
YEAS—21.
NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 217.
Bill read third time.
Remarks by Senators Manendo and Goicoechea.

Senator Manendo:
Thank you, Mr. President. Senate Bill No. 217 provides that if the probable cost of a road or bridge construction project does not exceed $100,000, a county with a population less than 100,000 (all counties except Clark and Washoe Counties) may advertise for bids and let contracts pursuant to existing statute or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds $100,000, such a county is required to advertise for bids and let contracts pursuant to local government purchasing or public works statutes, except that, in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Humboldt, Eureka, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties), the board of county highway commissioners may instead determine to perform the work with its own resources if the estimated cost of the project is between $100,000 and $250,000. This bill is effective on July 1, 2013.

Senator Goicoechea:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 217. We are all aware that in the rural counties, and especially in the smaller rural counties with populations of less than 45,000 people, the road system is predominantly gravel roads. When it costs $100,000 for a truck and we are burning $4 per gallon fuel in them, and we have to equip them with $1,000 tires, the $100,000 threshold is reached quickly. Senate Bill No. 217 requires that a public hearing be held within 15 days, list all of the equipment that will be on the job, list the employees too. I support the intent of the bill but this is definitely overkill. Asphalt costs $100,000 per mile, just the asphalt. The county road departments do good work maintaining these roads; this bill proposes to take away their abilities and require a public hearing, additional time constraints and expenses that they don’t need. I urge you to oppose this bill.

Roll call on Senate Bill No. 217:
YEAS—17.

Senate Bill No. 217 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Senate Bill No. 224.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. I rise in support of Senate Bill No. 224 which imposes a fee of $500, in addition to any other penalty, if a person pleads guilty or is found guilty of certain charges of driving under the influence of intoxicating liquor or a controlled substance. The money collected from the fee must be used to support a specialty court program established to facilitate testing, treatment and oversight of certain persons who suffer from a mental illness or abuse alcohol or drugs. The measure provides for the imposition of community service if a defendant is unable to pay the fee. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 224:
YEAS—21.
NAYS—None.
Senate Bill No. 224 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 228.
Bill read third time.
Remarks by Senators Parks and Kieckhefer.

Senator Parks:
Thank you, Mr. President. Senate Bill No. 228 revises the Nevada Ethics in Government Law, including provisions relating to government contracts, conflict of interest and disclosure, lobbying or other representation before state and local agencies, employment in certain circumstances and operations of the Commission on Ethics. Provisions relating to public officers and employees having an interest in government contracts, including sole source contracts, are revised. Procedures for voiding government contracts for ethical violations are clarified. Revisions are made to restrictions on various public officers and employees who lobby for private individuals before certain public agencies.
Public officers and employees are prohibited from misusing their positions to benefit private interests. A public officer or employee shall not concurrently serve in one office and hold a separate office that gives that person controlling influence over any circumstances related to his or her own employment, including the employer, supervisor or agency.
The Commission on Ethics shall adopt regulations requiring disclosure and defining gifts. Provisions relating to confidentiality of Commission on Ethics records are revised. Certain individuals are required to complete a course on statutory ethical standards, conducted by the Executive Director.
Provisions prohibiting former public officers and employees from representing individuals before certain government agencies for one year after termination do not apply to those who held their positions before January 1, 2014, unless after that date an individual assumes a new position.

Senator Kieckhefer:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 228. While there are many good things in this bill, I take significant exception to Section 40; the bad cannot overcome the good. Section 40 provides very strict and stringent restrictions on what State employees will be able to do if they decide to leave the State. I think back to my time working in the State Department of Health and Human Services and I think of the various people I came into contact with; there are scores and scores of individuals who, if they decided for some reason to seek employment outside of State service, they would be prohibited from doing so in their areas of expertise. The one-year prohibition on working in the private sector for a company that had been influenced by your area of employment, I find it far too strict on a person’s ability to sustain
themselves and seek employment. I don’t see a logical nexus between the stringency applied in this bill and any proven need for it. For the constituents in my district who work for the State and who may, someday, wish to do something else, I cannot support this.

Roll call on Senate Bill No. 228:
YEAS—11.

Senate Bill No. 228 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 243.
Bill read third time.
Remarks by Senators Smith, Hardy, Roberson, Ford, Cegavske, Brower, Atkinson and Gustavson.

SENATOR SMITH:
Thank you, Mr. President. I rise in support of Senate Bill No. 243 which establishes the State DNA Database and specifies the duties and responsibilities of forensic laboratories with respect to DNA records. The bill provides the procedures for submitting a biological specimen to a forensic laboratory for genetic marker analysis when a person is arrested for a felony.

If a court or magistrate determines that probable cause did not exist for the person’s arrest, the measure provides that the biological specimen must be destroyed within five business days after receipt of notice. The measure also provides that if a person is arrested for a felony and is not convicted, the person may make a written request to the Central Repository for Nevada Records of Criminal History to destroy the biological specimen and the DNA profile and purge the DNA record from the forensic laboratory, the State DNA Database, and CODIS. The measure increases the penalty for sharing or disclosing certain information relating to another person’s biological specimen or genetic marker analysis from a misdemeanor to a category C felony.

Further, the measure imposes an additional administrative assessment of $3 on a person convicted of a misdemeanor, gross misdemeanor, or felony to help pay for the costs of obtaining a biological specimen and conducting a genetic marker analysis. Finally, the measure 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.

To my colleagues, Senate Bill 243 is also known as “Brianna’s Law,” named after Brianna Denison who was murdered in early 2008 in Reno, Nevada. I would like to ask my colleagues to please join me in supporting this important piece of crime-fighting legislation. Data tell us that a small number of criminals in our society commit the vast majority of heinous crimes.

A recent University of Virginia study found that violent offenders whose DNA is collected and stored in a database are 23.4 percent more likely to be convicted of another crime within three years than their un-profiled counterparts. Larger DNA databases are associated with lower crime rates in this study from 2000 to 2008. The estimated magnitudes imply that one common policy proposal—this one—expanding databases to include individuals arrested for serious felonies, would result in a decrease in murders, rapes, aggravated assaults and vehicle thefts.

To be more specific, the City of Chicago has done a scientific study on the use of arrestee DNA that followed eight convicted felons and found that if their DNA had been taken at the time of their first felony arrests, 60 crimes, including 53 rapes and several murders, would have been prevented.

There is the case of Chester Turner in California. He was arrested a total of 21 times over a period of 15 years without ever being convicted of a crime that allowed his DNA to be taken.
When he was finally convicted of a rape and his DNA profile was uploaded into CODIS, it matched the crime scene evidence found on 12 raped and murdered women. His first victim was murdered two months after his first felony arrest. To make matters worse, a man named David Jones had been wrongfully convicted for two of these murders and spent 11 years in prison.

One cheek swab taken at the time of arrest could have saved 11 lives and prevented an innocent man from spending 11 years in prison.

In New Mexico, the state legislature passed similar legislation in 2006. The first man swabbed under the new law—only one hour and 14 minutes after it went into effect—saw his DNA matched to a double homicide.

To my colleagues, this works. It's an important crime-prevention tool and it keeps bad people from hurting the innocent people in our world. I urge your support.

SENATOR HARDY:
Thank you, Mr. President. I would like a point of clarification if I may. Did I hear correctly that this would only go into the database if the person is convicted? Or is it when they are arrested?

SENATOR SMITH:
Thank you, Mr. President. This is arrestee DNA for felonies. The DNA is taken when the person is booked. We already have DNA legislation for convictions; this is for arrestees. Another helpful clarification might be to note that the federal law already requires this and we do it for federal arrests.

SENATOR ROBERSON:
Thank you, Mr. President. I want to thank the Assistant Majority Leader for bringing this bill forward. She brought it last Session and many of us worked very hard to get it passed, but we were unsuccessful. This is a critical piece of legislation. I urge you all to support it. It is very, very important. Again, thank you Assistant Majority Leader.

SENATOR FORD:
Thank you, Mr. President. I rise in support of Senate Bill No. 243. Thank you very much to my colleague from Senate District No. 13.

I recognize the potential benefits of collecting DNA from people who are simply arrested but never convicted. I have, however, voiced my concerns about how this bill could disproportionately impact the rights of minorities in our community. I am delighted that my colleague from Senate District 13 acknowledged my concern and accepted my recommended amendment.

The amendment creates a subcommittee which will review and evaluate the collection and use of arrestee DNA to ensure that in the implementation of this statute we do not so disproportionately impact the rights of minorities as to outweigh the benefits of collecting this DNA. The Committee will consist of several members, including one from the civil rights community and another from the criminal defense bar. I am optimistic that the Committee will aid us in ensuring the processes contemplated under this DNA bill are implemented fairly and in a nondiscriminatory fashion.

Additionally, while we do not have before us this Session a bill which would create greater access to DNA records for those who have been convicted, I also support this bill as part of a larger project—which many of you have endorsed—of creating in the next Session a system whereby inmates may readily and inexpensively access DNA evidence relevant to their cases. As many of you know, the use of arrestee DNA could play a role in exonerating of wrongfully convicted individuals. For our comments and belief to have full force, we must create meaningful access to DNA evidence. I expect to present such legislation in the next Session and I would hope you would equally support me in such efforts.

Again, thanks to the Senator from District 13 for your willingness to assuage my concerns with this bill. I commend you.

SENATOR CEGAVSKE:
Thank you, Mr. President. Thank you to my colleague from Senate District No. 13. I also want to thank our colleague from Senate District No. 11 who explained the amendment. How
many other states have this legislation in place? I appreciate the very compelling statements from my colleague from Senate District No. 13. I also appreciated the tour that was organized of the DNA processing facilities in Southern Nevada. There were comments made by colleague from Senate District No. 13 regarding cases in other states; if California had this law, would the DNA have matched up? Is there a central repository where DNA samples are matched? How does that work from state to state?

SENATOR SMITH:
Thank you, Mr. President. To my colleague from Southern Nevada, I believe 28 states have passed this legislation and a version has already been adopted by the United States Congress for federal arrests. Arrestee DNA collected has been supported by the current United States President as well as the previous United States President. The Combined DNA Index System or “CODIS” that I referred to in the legislation is where DNA profiles are housed and matched. The CODIS system is very confidential and well secured. There are no names associated with a DNA profile; when a specimen is uploaded and a match is made, it is triggered back to the crime lab for identification of that person. So yes, matches are made from state to state, and because we have federal arrestee DNA legislation, all of that is in the system as well.

SENATOR BROWER:
Thank you, Mr. President. I too rise in support of Senate Bill No. 243. I want to first of all congratulate my colleague, the Assistant Majority Leader, for her perseverance in seeing this bill through for a second Session. I am confident that this time we will be successful.

I would like to clarify a few points. It is important to understand that a DNA sample taken from an arrestee who is later not convicted is destroyed and does not go into the system. This was a concern raised by many constituents and this bill addresses that concern. I can tell you firsthand, from the law enforcement perspective, this legislation is very important; it is fingerprinting of the 21st century. This legislation will help solve crimes, and it will help exonerate those wrongfully convicted of crimes. I urge your support.

SENATOR ATKINSON:
Thank you, Mr. President. I too would like to echo the sentiments thanking the Assistant Majority Leader and my colleague from Senate District No. 11. I had some concerns last Session with this proposed legislation as well as some concerns going into this Session. The majority of my concerns have been addressed.

My colleague from Senate District No. 11 mentioned a review committee; is this committee going to be responsible for reviewing how we are going to assure that the falsely accused have an avenue for their information to be taken out of the system? This is a very important issue for the constituents that I represent. I would appreciate this concern being clarified for the record.

SENATOR SMITH:
Thank you, Mr. President. If I may answer first, then have my colleague from Senate District No. 11 weigh in.

I made a commitment to the Senate Committee on Judiciary when this legislation was processed that I would personally follow through and make sure that the designated subcommittee has the opportunity to review how the bill is to be implemented and how it works once it goes into effect. There is legitimate concern to make sure that no one is adversely affected and that there is a path for expunging a DNA profile. I believe that we have provided for that in this legislation, as has been explained, with the DNA profile being destroyed if a person is not charged with a crime and then giving that person the ability to expunge their DNA profile if they are not convicted. This committee is fairly open for what they can review in their work and that gives me a lot of comfort. The committee will be deciding what is important for them to review and report back during the next Legislative Session.

SENATOR FORD:
Thank you, Mr. President. I agree wholeheartedly with my colleague from Senate District No. 13 in regard to answering the question from our colleague from Senate District No. 4. I would like to add that this committee, as far as I understand it, would have the ability to define the questions that are important to ask. We determined, through the bill, that there would be at
least two members that know the right questions to ask: one member from the civil rights community and one member of the criminal defense bar. If the concern of my colleague from Senate District No. 4 is a concern of the subcommittee, it will certainly be something that they have the ability to address.

In addition to that fact, as the Assistant Majority Leader indicated, if someone is exonerated, their DNA gets expelled. Upon being arrested and upon the DNA swab being given, the arrestee will also be given a piece of paper that tells them how to get rid of the DNA profile to the extent that those things happen. I think that is very important that we keep these things in mind as well as that we are doing all that we can to make certain that this law is not used disproportionately to affect those less advantaged.

SENATOR GUSTAVSON:
Thank you, Mr. President. To my colleague from Senate District No. 13: if DNA is taken upon arrest of any crime and then expunged when innocent or exonerated, how will it enhance the current law that we already take DNA upon conviction? From the time of arrest to the time of conviction, is this DNA profile going to be used to see if someone has been arrested, found guilty or possibly committed any other crimes?

SENATOR SMITH:
Thank you, Mr. President. To my colleague from Washoe County: if you are booked, your DNA will be taken. If you are not charged, your DNA will be destroyed. If you are not convicted you will have the right to have your DNA expunged from the system.

If you are charged and your DNA profile is put into the system, it is going to search for a match if there are any other crimes out there that have that similar DNA. That is where these repeat offenders are identified because, as we know, sometimes it takes years before someone is actually convicted. But as soon as someone is charged, that DNA profile will go into the system. As I explained in my testimony, many hits on a DNA profile might take place to identify criminals who have committed other heinous crimes.

SENATOR ROBERSON:
Thank you, Mr. President. For those of you who are new to this Body or have not been following this closely, it is important to understand just how long the Senator from Senate District No. 13 has been working on this. She and the family of Brianna Denison have worked tirelessly for years on this legislation. They have worked with stakeholders who have had concerns and they have addressed those concerns.

This is the right policy for this State. This vote deserves a unanimous vote and approval today. I encourage you to vote for Senate Bill No. 243.

Roll call on Senate Bill No. 243:
YEAS—21.
NAYS—None.

Senate Bill No. 243 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 246.
Bill read third time.
Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 246 requires a business or social organization to register with the Secretary of State as a committee for political action if that organization either receives contributions or makes expenditures for the purpose of affecting the outcome of an election. If an organization is formed to affect election outcomes, it must report when it receives contributions or makes expenditures in excess of $1,500 in a calendar year. An organization formed for another purpose shall report when it receives contributions or makes expenditures to affect election outcomes in excess of $5,000 in a calendar year. This bill received unanimous
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support from the Senate Committee on Legislative Operations and Elections. I urge your support.

Roll call on Senate Bill No. 246:
YEAS—21.
NAYS—None.

Senate Bill No. 246 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 267
Bill read third time.
Remarks by Senators Woodhouse, Settelmeyer, Brower, Hutchison, Atkinson, Cegavske, Spearman, Denis and Hardy.

SENATOR WOODHOUSE:
Thank you, Mr. President. Senate Bill No. 267 prohibits an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment. The measure requires an owner or operator to ensure that a qualified person be present at the establishment during operating hours and that each user be aware of and use certain safety equipment. Also, a person is prohibited from using the equipment unless he or she signs a statement of acknowledgment and uses protective eyewear while tanning.

An owner or operator must conspicuously post a warning sign informing users of certain safety procedures that must be followed while using the equipment. The measure establishes civil penalties for failing to post such signs. A physician who prescribes the use of a phototherapy device, as well as any person prescribed the use of such a device by a physician, is exempt from these provisions. This bill is effective on July 1, 2013. I urge you to vote in favor of this measure because it is one small step in helping prevent our young people from the terrible disease of skin cancer when they are so young.

SENATOR SETTELMEYER:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 267. The amendment bans anyone under 18 years of age from utilizing a tanning bed at a commercial facility. It still leaves open the ability for someone to go over to a friend’s house, who has a tanning bed; so we have not necessarily eliminated the problem.

The amendment creates a private cause of action, where an individual can go after a business if it allows someone who is underage to use a tanning bed. It would allow the recovery of “reasonable attorney fees” as well. I believe Senate Bill No. 267 will increase litigation and will not necessarily have the desired effect. If children do not use a tanning bed, they can still go outside in the sun to tan. I do not support the legislation.

SENATOR BROWER:
Thank you, Mr. President. I also rise in opposition to Senate Bill No. 267. The amendment bans anyone under 18 years of age from utilizing a tanning bed at a commercial facility. It still leaves open the ability for someone to go over to a friend’s house, who has a tanning bed; so we have not necessarily eliminated the problem.

The amendment creates a private cause of action, where an individual can go after a business if it allows someone who is underage to use a tanning bed. It would allow the recovery of “reasonable attorney fees” as well. I believe Senate Bill No. 267 will increase litigation and will not necessarily have the desired effect. If children do not use a tanning bed, they can still go outside in the sun to tan. I do not support the legislation.

SENATOR HUTCHISON:
Thank you, Mr. President. I also rise in opposition to Senate Bill No. 267 because it goes too far. I appreciate the sponsor’s intent; I have two teenagers. However, to create a new private right of action, without any proof of damages, is unreasonable. Parents being able to sue if their 16 year old was able to use one of these facilities without regard for whether they were damaged or not makes no sense. This is a classic example of government over-regulation of the type that most of rail against all the time in our campaign rhetoric, but rarely ever vote to do anything about. We can do something about it today. I urge your “no” vote on Senate Bill No. 267, an overreaching piece of legislation.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise in support of Senate Bill No. 267. I am usually one of the Senators who, as my colleague from Senate District No. 15 notes, rails against this kind of legislation. Nevertheless, I was persuaded by the testimony in the Committee and through my
own experience that sometimes people under the age of 18 years need a little extra protection. We see our children going to these tanning establishments, with their friends, who are children themselves. They burn themselves to the point where they get cancer. There are documented cases of this happening.

I do not mean to sound flippant, but I often have to tell my children who are under 18 years of age, what is dangerous to their health. My colleague from Senate District No. 12 could probably confirm that our brains—understanding and reasoning—are not fully developed until about 25 years of age. Accordingly, there are times when laws are enacted that assert some control over environments in which our children can frequent and find dangerous situations. We may not be immediately aware of these environments and dangers.

Although I certainly can appreciate the points of my colleague from Senate District No. 15, I voted in favor of Senate Bill No. 267 in Committee and would encourage my colleagues to do likewise. Sometimes our children do not know what is best for them and sometimes they need to be protected. This is one of those situations when we’re dealing with something as serious as cancer.

SENATOR ATKINSON:
Thank you, Mr. President. I thought my colleague from Senate District No. 6 did a very good job of explaining it from a committee member’s standpoint.

To my colleague in Senate District No. 15, while your arguments are good, my colleague from Senate District No. 6 makes a better argument. It has always been our duty and always has been our responsibility—I wouldn’t necessarily say it is overreaching—to take care of and make sure we know what our children are doing. Our children are still being hurt; they are still going into these tanning beds and doing harm to themselves.

This is an opportunity for us to do something to make sure we are putting safeguards in place. I applaud my colleague’s efforts in compromising because this is not the bill we saw in Committee. Considering where we were with this piece of legislation, the sponsor of the bill did a very good job in addressing a lot of concerns. I stand in support of Senate Bill No. 267 and I hope my colleagues join us.

SENATOR CEGAVSKE:
Thank you, Mr. President. Two issues raise a concern for me. First, I do support and encourage any tanning facility not to allow anyone who is under the age of 18 to use their services. I think that would be responsible for tanning establishments. Second, what it was that these facilities have done that is so heinous that we would put the lawsuits in place—the ability to sue that facility. If someone could explain that to me, maybe you could sway me. I am really concerned about it.

I agree that these youngsters should not go in to the tanning beds. I believe it has been established that notification on the walls is required stating tanning can be harmful, which was passed several years ago. However, I want to know from one of the committee members, what was it that compelled them to put the penalties in place.

SENATOR WOODHOUSE:
Thank you, Mr. President. The penalties are in Section 12 and the purpose for those penalties are exactly what my colleague from Senate District No. 8 indicated; it is to put some teeth in the law. If a business owner does allow a young person under the age of 18 to come into the establishment and use the tanning bed, then the parent or guardian has recourse against that person who has violated the law. That is exactly what it is; it is the teeth to make sure this practice is stopped. I urge your support.

PRESIDENT KROLICKI:
Senator Cegavske I am not sure if that answered your question. Would you like to follow up?

SENATOR CEGAVSKE:
No follow up, thank you.
SENATOR SPEARMAN:
Thank you, Mr. President. I rise in support of Senate Bill No. 267 for the same reason I supported my colleague from Senate District No. 17’s legislation with regard to cigarettes and minors. I think it is incumbent upon us, as adults over age 25, who have fully formed brains [laughter], to really look out for our children. I do not see this as overreaching because we have laws in existence right now that shield minors from making a decision to drink alcohol, to smoke cigarettes and to punish those who purchase cigarettes and deliver them to minors. I see this legislation as an extension of those protective actions. I rise in support and urge my colleagues to do so as well.

SENATOR DENIS:
Thank you, Mr. President. I rise in support of Senate Bill No. 267 as a father of five children, four of which have been teenagers and some have not gotten to the mature age of 25 yet. As a parent, you always look forward to that day when your child says—“You know dad, when you used to tell me that I shouldn’t do this, because of that, I sure appreciate that you did”—even though they didn’t appreciate it at the time. Cancer is a serious thing and we want to protect our kids however we can. I appreciate my colleague for bringing this legislation forward and being able to work out all the issues. I stand in support.

SENATOR HARDY:
Thank you, Mr. President. I stand in support of Senate Bill No. 267 and I am against cancer. Thank you, very much.

Roll call on Senate Bill No. 267:
YEAS—17

Senate Bill No. 267 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 278.
Bill read third time.
Remarks by Senators Ford and Jones.

SENATOR FORD:
Thank you, Mr. President. I rise in support of Senate Bill No. 278 which provides for an expedited process for abandoned homes through the foreclosure process. It adds a strict definition of “abandoned home.” I urge this Body’s support.

SENATOR JONES:
Thank you, Mr. President. I rise in support of Senate Bill No. 278. I applaud my colleague from Senate District No. 11 for his diligent efforts on this legislation. Too often while knocking on doors last year, I came across abandoned properties with overgrown or dead vegetation, homes stripped of all valuable contents or vacancy notices posted on the front door that were clearly months old.
My own next door neighbors abandoned their home leaving their pool so green with algae, we had to call the county to have it drained. Abandoned properties drive down the values of residents who remain in their homes; abandoned properties also attract criminal activity. Senate Bill No. 278 will benefit neighborhoods and homeowners throughout Senate District No. 9 and throughout the State. I urge your support.

Roll call on Senate Bill No. 278:
YEAS—21.
NAYS—None.
Senate Bill No. 278 having received a two-thirds majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Senate Bill No. 283.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Senate Bill No. 283 revises the Nevada Ethics in Government Law. When resolving certain requests for opinion, the Commission on Ethics shall treat comparable situations similarly and shall ensure that disposition of a request reasonably relates to the severity of the violation. The Commission shall consider certain factors when determining the amount of any civil penalty, including the seriousness of the violation, a person’s history of previous warnings or violations, mitigating factors and any other matter justice may require. The definitions of “intentionally” and “knowingly” are revised to require proof of intent or reckless disregard and knowledge of the prohibition against the conduct. A two-thirds vote is required to impose a finding that a violation was willful.

Roll call on Senate Bill No. 283:
YEAS—21.
NAYS—None.

Senate Bill No. 283 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Senate Bill No. 286.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Senate Bill No. 286 modernizes our Anti-SLAPP (Strategic Lawsuit Against Public Participation) laws in response to the Ninth Circuit Court of Appeals decision from last year. It found that the existing statutes were limited in scope. Senate Bill No. 286 defines the right to free speech in direct connection with an issue of public concern to be in a place open to the public or in a public forum. A person who engages in such communication is immune from any civil action for claims based upon that communication. If a civil action is sought and the person who engaged in the communication files a special motion to dismiss, the measure adds a process for the court to follow and provides that a court ruling on the motion must be made within seven judicial days after the motion is served upon the plaintiff.

As a result of our antiquated Anti-SLAPP laws, businesses were not moving to the State of Nevada or were seeking to move out of the State. This bill passed unanimously out of the Senate Committee on Judiciary. I urge your support.

Roll call on Senate Bill No. 286:
YEAS—21.
NAYS—None.

Senate Bill No. 286 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Senate Bill No. 297.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Senate Bill No. 297 adds an attempt or conspiracy to commit certain crimes against persons who are older or vulnerable to the list of crimes for which additional penalties must be imposed. This bill is effective on October 1, 2013. I would like to thank the Minority Leader for bringing this bill; it was a missing link in the statutes with respect to crimes against elderly and vulnerable people. I urge your support.

Roll call on Senate Bill No. 297:
YEAS—21.
NAYS—None.

Senate Bill No. 297 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 307.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Senate Bill No. 307 makes changes to trusts, estates and probate. It changes the Trust of States and Probates, amends the definition of an “interested person” to include all persons whose interest in an estate or trust will be materially affected by a decision of a fiduciary or a decision of the court. In addition, the measure revises provisions relating to wills, including clarification that if a declaratory judgment is entered during the lifetime of the decedent, declaring a document to be the valid will of the decedent, then the validity of that will is not subject to challenge after the death of the decedent.

The measure authorizes the waiver of an inventory or appraisal of the property upon unanimous written consent of each interested person. It enacts into statute certain duties of a fiduciary and adds to the powers of a trustee to combine or divide trusts and the power to change the name of a trust in certain circumstances. I urge your support.

Roll call on Senate Bill No. 307:
YEAS—21.
NAYS—None.

Senate Bill No. 307 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 3:29 p.m.

At 3:49 p.m.
President Krolicki presiding.
Quorum present.

Senate Bill No. 312.
Bill read third time.
Remarks by Senator Manendo.
Thank you, Mr. President. Senate Bill No. 312 makes the Department of Motor Vehicles responsible for regulating and registering the organizations that sponsor and conduct victim impact panels. Each meeting of a victim impact panel must be conducted by a qualified
coordinator and have security personnel on-site. Victims who wish to make a presentation as a member of a victim impact panel must submit information to the sponsor concerning the events that caused the harms suffered by the victim. The measure also establishes various procedures for the receipt and disbursement of money generated from fees for attending meetings of panels, administrative fines and civil penalties.

The provisions of this bill only apply to a county with a population of 100,000 or more. Additionally, the measure provides a misdemeanor penalty for falsifying information related to receiving victim compensation. This bill is effective on October 1, 2013.

Roll call on Senate Bill No. 312:
YEAS—13.
NAYS—Brower, Goicoechea, Gustavson, Hammond, Hardy, Kieckhefer, Roberson, Settelmeyer—8.

Senate Bill No. 312 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 314.
Bill read third time.
Remarks by Senator Denis.
Thank you, Mr. President. Senate Bill No. 314 provides that the right of a parent to direct the upbringing, education and care of the parent’s child is a fundamental right. Under this measure, in implementing a statute, local ordinance or regulation, the State or any agency, instrumentality or political subdivision is prohibited from violating this right without demonstrating a compelling governmental interest that as applied to the child involved is of the highest order. The effective date is October 1, 2013.

Roll call on Senate Bill No. 314:
YEAS—21.
NAYS—None.

Senate Bill No. 314 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 317.
Bill read third time.
Remarks by Senator Denis.
Thank you, Mr. President. Senate Bill No. 317 clarifies that it is an unfair act or practice for a manufacturer or distributor of vehicles and certain related entities to require a dealer to agree to any terms or conditions of a franchise agreement that waive certain provisions of Nevada law governing franchises for sales of motor vehicles. The bill further provides that any waiver of such provisions is void and unenforceable. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 317:
YEAS—21.
NAYS—None.

Senate Bill No. 317 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Senate Bill No. 318.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Senate Bill No. 318 requires the Nevada Commissioner of
Insurance to conduct a study of claims, coverage and payments under dental and health
insurance policies. The Commissioner is required to present the study results to the Legislative
Committee on Health Care on or before June 1, 2014.

Roll call on Senate Bill No. 318:
YEAS—21.
NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Mr. President
declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 321.
Bill read third time.
Remarks by Senators Jones and Hutchison.

Senator Jones:
Thank you, Mr. President. Nevada’s Homeowner’s Bill of Rights, Senate Bill No. 321,
increases predictability for all parties involved in the foreclosure process. It provides strong but
fair accountability measures by extending protections to all residential mortgages written in
Nevada. Under Nevada’s Homeowner’s Bill of Rights, borrowers must be sent a pre-foreclosure
notice with information about their loan and options to avoid foreclosure. Mortgage servicers are
barred from starting foreclosures without first contacting the homeowner via phone and mail to
evaluate the homeowner for other loan modification options first. Mortgage servicers shall have
a single point of contact for borrowers seeking information about their loans and throughout the
modification period. Mortgage servicers must give borrowers, who submit a loan modification
application, a ‘yes’ or ‘no’ decision with an explanation before the servicer commences the
foreclosure process. Mortgage servicers are barred from dual tracking, the practice of sending a
file to the foreclosure department while the homeowners are still being considered for a loan
modification. Mortgage servicers are barred from charging fees for loan modification application
process or during a trial plan for lost mitigation options.

I am proud to have worked with my colleague from Senate District No. 6 to resolve concerns
and to have the support of both Democrats and Republicans on the Senate Committee on
Judiciary that passed this measure unanimously out of that Committee. I urge your support.

Senator Hutchison:
Thank you, Mr. President. I rise in support of Senate Bill No. 321. My friend and colleague
from Senate District No. 9 worked with me. He provided a bipartisan view of this bill and he
was helpful in terms of addressing some of my concerns and some of my colleagues’ concerns,
and I want to thank him. I think this is an important bill that will help many of our constituents.
I urge your support.

Roll call on Senate Bill No. 321:
YEAS—21.
NAYS—None.

Senate Bill No. 321 having received a constitutional majority, Mr. President
declared it passed.
Bill ordered transmitted to Assembly.
Senate Bill No. 325.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Senate Bill No. 325 requires an explanation of a ballot question to include a digest, consisting of a summary of existing laws directly related to the question and a statement of the impact of the proposal of those laws. The digest must also indicate the effect of the ballot question on public revenues. A question placed on a ballot by a governing body of a political subdivision must be written in easily understood language and include a digest. The measure requires governing bodies of all cities or counties to appoint committees to draft arguments in support of or in opposition to ballot questions, including advisory questions. Obsolete provisions requiring certain governing bodies to provide arguments for and against ballot questions are eliminated. The bill is effective on July 1, 2013.

Mr. President, the National Conference of State Legislatures did a study and found that information for the public is written at the grade 8 level, which is the average reading level of most Americans; in Nevada, grades 19 to 27 levels are required to understand our ballot questions. The true intent of this bill is to require us to say what we mean.

Roll call on Senate Bill No. 325:

YEAS—21.
NAYS—None.

Senate Bill No. 325 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senator Denis moved that the Senate recess until 4:30 p.m.

Motion carried.

Senate in recess at 4:01 p.m.

SENATE IN SESSION

At 5:20 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES


Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which were referred Senate Bill Nos. 311, 320, 384, 392, 427, 447 and 467, 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 were referred Senate Bill Nos. 182 and 328, 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 Finance, to which was referred Senate Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass. Also, your Committee on Finance, to which were re-referred Senate Bill Nos. 26 and 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, Chair

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WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of Senate Bill No. 221.

MARK KRMPOTIC
Fiscal Analysis Division

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MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 221 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Kieckhefer moved that all necessary rules be suspended, and that Senate Bill No. 510, just reported out of committee, be considered to have fulfilled the requirement of second reading, and that the bill be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 26.
Bill read second time and ordered to third reading.

Senate Bill No. 105.
Bill read second time and ordered to third reading.

Senate Bill No. 182.
Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 289.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Amendment No. 289 to Senate Bill No. 182 provides parents of a child reaching five years of age by September 30 of a school year with the option to elect not to send their child to kindergarten by filing a waiver with the school district. The amendment also restores certain provisions already in law concerning the assessment of the developmental ability of a child who receives such a waiver. The school district will conduct the developmental screening test before deciding whether to admit a child reaching age six by September 30 into first grade; if the child is not admitted to first grade he or she will be admitted into kindergarten.

Amendment adopted.
Senator Kieckhefer moved that Senate Bill No. 182 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. 311.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 448.
Senator Ford moved the adoption of the amendment.
Remarks by Senator Ford.
Thank you, Mr. President. Amendment No. 448 makes several changes to Senate Bill No. 311. First, the amendment authorizes school conversions to a charter school, should the converted empowerment school specified in the bill as a whole continue to be rated as underperforming. The same requirements and processes for a petition to convert to an empowerment school apply to a charter school conversion.
Second, it provides that parents and legal guardians may also then petition to reverse the conversion to a charter school. If the charter school conversion is reversed due to a parent petition, it becomes a traditional public school the following school year.
Third, the amendment also provides for the revocation of the charter of a conversion charter school by its sponsor, if it continues to be rated as underperforming for three consecutive years following its conversion.
Fourth, the amendment requires school districts with one or more underperforming schools to adopt a policy establishing a school advisory team, upon a petition of 10 percent of the parents and guardians of pupils attending an underperforming school. This change provides an intermediary step prior to a petition to convert a school. The composition of the advisory team and its duties are specified in the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 320.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 292.
Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Thank you, Mr. President. Amendment No. 292 to Senate Bill No. 320 requires school nurses, not the Board of Education, to develop a training program for unlicensed assistive personnel, otherwise known as UAPs, in accordance with nationally-recognized best practice standards of diabetes care. It also defines UAPs and replaces the term “diabetes management plan” to “individualized health plan” for pupils. Second, as introduced, the bill provides that a pupil with diabetes cannot be barred from attending any public school. The amendment also replaces the word “attending” with “enrolled in” to account for situations in which a student cannot attend school. Additionally, the amendment specifies that a parent or legal guardian must be notified about the revocation of a plan allowing a student to self-administer necessary medication, and revises the bill throughout to shift certain duties and authority for the diabetes care program specified in the bill from the school principal to the school nurse. Finally, changes are made throughout the bill that apply parallel provisions to sections of the bill concerning private schools with certain modifications for private schools without a school nurse; it requires the State Board of Education, in cooperation with the State Board of Nursing, to adopt regulations as needed to comply with the provisions of the bill.
Amendment adopted.

Senator Denis moved that Senate Bill No. 320 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. 328.**

Bill read second time.

The following amendment was proposed by the Committee on Education:

**Amendment No. 545.**

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Amendment No. 545 makes several changes to Senate Bill No. 328. First, it revises that the State Board of Career and Technical Education may not use State funds for leadership activities or for career and technical education programs. Second, the amendment defines what constitutes “leadership activities.” Third, it clarifies that grants awarded under the provisions of the bill will be based upon developing new programs. Finally, it revises the criteria for evaluating grant applications and adding a new category for programs that lead to a national accreditation or certification.

Amendment adopted.

Senator Settelmeyer moved that Senate Bill No. 328 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. 384.**

Bill read second time.

The following amendment was proposed by the Committee on Education:

**Amendment No. 451.**

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Thank you, Mr. President. Amendment No. 451 makes several changes to Senate Bill No. 384. First, it changes the authority for the program specified in the bill to issue tax-exempt bonds and other obligations from the charter school authority to the Director of the Department of Business and Industry. The amendment defines prerequisites for the program and includes various definitions including those for the cost of the project, expense of operation and maintenance, finance agreement, obligator and revenues, among others.

The amendment also modifies sections of the bill concerning form and terms of bonds, bond security, exemptions of bonds from taxation, pledge of faith of the State concerning repeals and modifications and refunding. Further limitation of actions in sufficiency of the provisions are specified. In addition, the amendment clarifies as is provided elsewhere in the law, any contract for new construction, repair or reconstruction for which financing was granted must adhere to Nevada’s prevailing wage laws.

It requires the Director to adopt regulations concerning the amendment and the bill as a whole and revises various provisions within the charter school statutes to correspond to the amendment, as well as adding notification of the Director of Business and Industry if a charter school is closed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 392.
Bill read second time.
The following amendment was proposed by the Committee on Education: Amendment No. 453. Senator Segerblom moved the adoption of the amendment. Remarks by Senator Segerblom.
Thank you, Mr. President. Amendment No. 453 to Senate Bill No. 392 revises the bill as a whole to direct the topic of reporting gifts and bequests of money or property to be part of a study conducted by the Legislative Committee on Education during the Interim period.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 427.
Bill read second time.
The following amendment was proposed by the Committee on Education: Amendment No. 459. Senator Ford moved the adoption of the amendment. Remarks by Senator Ford.
Thank you, Mr. President. Amendment No. 459 to Senate Bill No. 427 deletes the provision of the bill that would have applied school-related bullying provisions in the bill as a whole to locations that are not school-related.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 447.
Bill read second time.
The following amendment was proposed by the Committee on Education: Amendment No. 460. Senator Woodhouse moved the adoption of the amendment. Remarks by Senator Woodhouse.
Thank you, Mr. President. Amendment No. 460 makes several changes to Senate Bill No. 447. First, it revises the membership of the existing Statewide Coordinating Council for the Regional Training Programs to include the Superintendent of Public Instruction or his or her designee, one member each appointed by the Governor, the Speaker of the Assembly, and the Senate Majority Leader; plus a teacher and a school administrator appointed by the Governor from a list submitted by the respective State organizations; and one school district superintendent or his or her designee from each regional training program. Members may not serve more than three two-year terms. Appointing authorities must consider the State’s cultural diversity and geographic balance.
Second, the Department of Education is designated to provide administrative support for the Council. Third, in addition to duties already in statute, the Council will recommend the biennial budget for the Regional Training Programs, review and make reports, coordinate with the Office of Parental Involvement and Family Engagement and ensure coordination between district professional development needs and improvement plans. Fourth, the amendment provides that the Regional Training Programs budget process be handled by the Statewide Council instead of the Superintendent of Public Instruction, as originally specified in the bill.
Finally, the amendment requires each Regional Training Programs to submit a five-year plan and biennial budget request to the Statewide Council for its review. Annual reports by the Regional Training Programs that are already specified in law must first be submitted to the
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

**Senate Bill No. 467.**

Bill read second time.

The following amendment was proposed by the Committee on Education:

**Amendment No. 461.**

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senators Woodhouse and Cegavske.

**SENATOR WOODHOUSE:**

Thank you, Mr. President. Amendment No. 461 makes several significant changes to Senate Bill No. 467. First, it removes all references that would have abolished the Council to Establish Academic Standards for Public Schools. Second, it removes all references that would have abolished the Statewide Council for Coordination of the Regional Training Programs and further, removes references to the associated transfer of duties for certain functions of the Regional Training Programs. Third, it removes all references that would have abolished the Commission for Professional Standards in Education.

Fourth, Amendment No. 461 removes all references in the bill that would have abolished the Commission on Educational Technology. Fifth, the amendment removes the $8,400 limit for payment of teachers conferences from the State Distributive School Account. Finally, the amendment removes the requirement set forth in law that the Superintendent of Public Instruction hold a master’s degree in an education related field and allows the Superintendent to appoint deputies as required.

**SENATOR CEGAVSKE:**

Thank you, Mr. President. I rise in opposition to Amendment No. 461 to Senate Bill No. 467. I ask that my colleagues seriously look into this. The bill has been proposed and talked about for several sessions and interims, all of which has been noted. The only change I agreed on, and it was removed, was the reference to the Regional Training Programs. The rest of the provisions need to go away; sunsetting items is a good thing.

The proposed amendment leaves in entities that are no longer necessary and could be folded into the Department of Education. This came from the Department of Administration; it has been a long, hard fight. I thought we had unanimous support from last Session for the bill. I urge you to oppose the proposed amendment.

**SENATOR WOODHOUSE:**

Thank you, Mr. President. I would like to inform the Body that, when this bill was heard in Committee, we asked a number of individuals who are involved in the educational institutions around the State, to work with the Interim Superintendent of Public Instruction. This amendment is the recommendation that came back from that group. I sincerely ask this Body to support it.

Amendment adopted.

Senator Woodhouse moved that Senate Bill No. 467 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

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

Senate in recess at 5:52 p.m.
At 5:58 p.m.
President Krolicki presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 510.
Bill read third time.
Remarks by Senators Woodhouse and Kieckhefer.

Senator Woodhouse:
Thank you, Mr. President. For the current fiscal year, Senate Bill No. 510 delays the statutory deadlines for school districts to notify employees concerning reemployment status for the 2013-2014 school year from the current date of May 1, to no later than May 15, 2013. The legislation also extends the date by which the employee must notify the school district of acceptance of the 2013-2014 contract from the current date of May 10, 2013, to May 28, 2013. The failure of an employee to notify the school district of the employee’s acceptance of the 2013-2014 contract on or before May 28, 2013, is conclusive evidence of the employee’s rejection of the contract. This act becomes effective upon passage and approval, and expires on July 1, 2013. I would appreciate your support.

Senator Kieckhefer:
Thank you, Mr. President. I rise in support of Senate Bill No. 510. This bill ensures that school district employees, particularly teachers, don’t receive layoff notices unnecessarily. It is primarily a paperwork issue. I would appreciate everyone’s support.

Roll call on Senate Bill No. 510:
YEAS—21.
NAYS—None.

Senate Bill No. 510 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all necessary rules be suspended and that Senate Bill No. 510 be immediately transmitted to the Assembly.
Motion carried.

Senator Denis moved that the Senate recess until 8:00 p.m.
Motion carried.

Senate in recess at 6:02 p.m.

SENATE IN SESSION

At 8:17 p.m.
President Krolicki presiding.
Quorum present.
Mr. President:
Your Committee on Commerce, Labor and Energy, to which were referred Senate Bill Nos. 319, 324 and 498, 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 Education, to which was referred Senate Bill No. 407, 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 Government Affairs, to which were referred Senate Bill Nos. 21, 135, 144, 201 and 406, 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 Government Affairs, to which was referred Senate Bill No. 34, 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.

DAVID R. PARKS, Chair

Mr. President:
Your Committee on Health and Human Services, to which was referred Senate Bill No. 501, 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. 346, 374, 383, 388, 389 and 418, 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 Judiciary, to which were referred Senate Bill Nos. 395 and 416, 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.

TICK SEGERBLOM, Chair

Mr. President:
Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 375, 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 Natural Resources, to which were referred Senate Bills Nos. 72, 181, 213, 230, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, Chair

Mr. President:
Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 301, 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
The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of Senate Bill No. 447.

Mark Krmpotic
Fiscal Analysis Division
April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 26, 184, 360, 367, 370.

Cindy Jones
Fiscal Analysis Division
April 22, 2013

Motions, Resolutions and Notices

Senator Smith moved that Senate Bill No. 447 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Smith moved that the General File be considered before the Second Reading file.

Motion carried.

General File and Third Reading

Senate Bill No. 329.
Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. I rise in support of Senate Bill No. 329 which establishes the Account for Clean Energy Loans within the Office of Energy. The Director of the Office of Energy is required to adopt regulations concerning the energy improvement programs and the use of the money in the Account for Clean Energy Loans. Money from the Account for Clean Energy Loans may be used only for the purpose of making below-market rate loans for clean energy improvements to owners of residential real property. The measure authorizes certain local governments, nonprofit corporations and financial institutions, serving as a qualified third party, to apply to the Director of the Office of Energy for a distribution of the money for the purposes of making a loan. The bill requires a qualified third party to comply with the Open Meeting Law in establishing and administering energy improvement programs approved by the Director. This bill passed out of Committee unanimously. Thank you and I urge your support.

Roll call on Senate Bill No. 329:

YEAS—21.
NAYS—None.

Senate Bill No. 329 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 343.
Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 343 creates a new category for off-highway vehicles. The bill requires the owner of a large all-terrain vehicle to provide proof of insurance that meets the requirements of insurance on an automobile. This bill defines “large all-terrain vehicle” and provides for a new registration sticker or decal distinguishable from the sticker or
decal of a standard off-highway vehicle. Additionally, the owner of a large all-terrain vehicle can register either as a standard off-highway vehicle, as currently required, or the owner can choose the new designation which allows him or her to go on certain roads designated by a city or county. This bill is effective on October 1, 2013. I urge your support.

Roll call on Senate Bill No. 343:
YEAS—21.
NAYS—None.

Senate Bill No. 343 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 350.
Bill read third time.
Remarks by Senator Hutchison.
Thank you, Mr. President. I rise in support of Senate Bill No. 350. As amended, the bill expands the list of authorized purposes for which a school district may issue general obligation bonds, pursuant to Section 335 of Chapter 387 of Nevada Revised Statutes, to include the purchase of motor vehicles and other equipment used for the transportation of pupils. Additionally, if the money from the issuance of a general obligation is used to purchase such equipment and the equipment is subsequently sold, the bill requires the proceeds of the sale be applied toward the retirement of the general obligations. This bill passed unanimously from the Senate Committee on Finance. I urge your support.

Roll call on Senate Bill No. 350:
YEAS—21.
NAYS—None.

Senate Bill No. 350 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 359.
Bill read third time.
Remarks by Senator Roberson.
Thank you, Mr. President. Senate Bill No. 359 requires the Silver State Health Insurance Exchange, to the extent feasible, to direct marketing for its qualified health plans primarily to uninsured and underinsured qualified individuals and qualified small employers that do not provide or offer health insurance to their employees.

Roll call on Senate Bill No. 359:
YEAS—21.
NAYS—None.

Senate Bill No. 359 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 381.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Senate Bill No. 381 brings Nevada into compliance with the federal law which limits Temporary Assistance to Needy Families beneficiaries from using their benefits at certain establishments including casinos, liquor stores, a retail establishment in which performers disrobe or perform unclothed for entertainment, or in any other place or manner prohibited by the Middle Class Tax Relief and Job Creation Act of 2012. This bill also prohibits persons from knowingly accepting public assistance benefits for a prohibited purpose. I would like to thank the Committee and its Chair for its hard work on this bill. I would appreciate and I urge your support.

Roll call on Senate Bill No. 381:

YEAS—21.
NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 409.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Senate Bill No. 409 exempts a person or establishment, under certain circumstances, from current prohibitions on: (1) accepting, receiving or allowing another person to accept or receive a wager from a person physically present in Nevada; and (2) placing, sending, transmitting or relaying a wager to another person from within or outside of Nevada. The exemption is initiated if the wager was made pursuant to an agreement with another state, or authorized agency thereof, entered into by the Governor of Nevada pursuant to Section 6 of Assembly Bill 114 of the 2013 Legislative Session (Chapter 2 of Statutes of Nevada). I urge your support.

Roll call on Senate Bill No. 409:

YEAS—21.
NAYS—None.

Senate Bill No. 409 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 410.

Bill read third time.

Remarks by Senators Parks and Kieckhefer.

SENATOR PARKS:

Thank you, Mr. President. Senate Bill No. 410 authorizes a governmental entity, a nonprofit corporation or a person, who has a nonprofit corporation as a fiscal sponsor, to establish a program for the safe distribution and disposal of hypodermic devices. The bill further provides for the governance and training required of such program, and the devices, material, and information that a program may provide. This measure confers civil liability exemptions related to the operation of a sterile hypodermic device program, as well as confidentiality for records obtained or created by a program. It also removes hypodermic devices from the list of items considered drug paraphernalia, allows them to be sold without a prescription for any purpose not restricted by federal law and protects from prosecution a person who possesses a trace amount of a controlled substance that is in or on a hypodermic device acquired from a program. This bill has the support of all State police agencies and I encourage your support.
SENATOR KIECKHEFER:
Thank you, Mr. President. I would like to voice my support for Senate Bill No. 410. I think it is a very sound public health bill. I would like to thank the bill’s sponsor for making amendments to it in the committee process; it made it a much stronger piece of legislation.

Roll call on Senate Bill No. 410:
YEAS—21
NAYS—None.

Senate Bill No. 410 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 414.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Senate Bill No. 414 prohibits a minor from knowingly and willfully using an electronic communication device to transmit or distribute an image of bullying committed against a minor with the intent to encourage, further or promote bullying or to cause harm to the minor. The measure provides that for the first violation, the minor shall be identified as a child in need of supervision, not a delinquent child. For any second or subsequent violation, the measure provides that it is a delinquent act, and the court may order the detention of the minor. This bill is effective on October 1, 2013.

Roll call on Senate Bill No. 414:
YEAS—21.
NAYS—None.

Senate Bill No. 414 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 420.
Bill read third time.
The following amendment was proposed by Senator Segerblom:
Amendment No. 552.
Senator Segerblom moved the adoption of the amendment.
Remarks by Senator Segerblom.
Thank you, Mr. President. Amendment No. 552 to Senate Bill No. 420 provides that a district attorney or a public defender can serve a subpoena on a peace officer via electronic means, such as electronic mail. Amendment No. 552 was agreed to by both the district attorneys and the public defenders.
Amendment adopted,
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 421.
Bill read third time.
Remarks by Senators Ford, Hutchison, Brower, Segerblom and Hammond.
SENATOR FORD:
Good evening Mr. President. Senate Bill No. 421 revises the provisions establishing the grounds on which challenges for cause may be taken in the jury selection process for civil actions. The measure provides for an additional ground for such a challenge to be an existence of a state of mind in the juror that the juror is biased for or against any party to the proceeding. If there is such a finding, the measure requires the court in a civil action to excuse the juror. This bill is effective on October 1, 2013, and expires by limitation on June 30, 2015.

SENATOR HUTCHISON:
Mr. President. I rise to explain why some of us voted against this bill in Committee. We felt judges are in the best position to determine when a for-cause challenge ought to be made; we did not feel there needed to be a change in the presumption or a change in the bases for a for-cause challenge. The judicial officer is the best place for it to reside. Therefore, I will not supporting the bill.

SENATOR FORD:
I would like to reiterate one of the reasons why the Committee vote on Senate Bill No. 421 came out at four to three. We added a two-year sunset provision to the bill to ascertain whether it will be effective in reducing the problems relative to juror disqualification and things of that sort. I encourage your support.

SENATOR BROWER:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 421. At bottom, this is a solution in search of a problem. We heard from the judges who felt comfortable with the status quo and felt that it should be within their discretion to make these decisions in court and during jury selection. As well intentioned as the proponents have been about this bill, it just doesn’t make sense to those of us who practice in the courts and who select juries on a regular basis.

SENATOR SEGERBLOM:
Thank you, Mr. President. In contrast with my colleague, some of us who select juries have witnessed that judges allow people out of the jury when they have already indicated they are biased for one side or the other. This bill makes it very clear that if a prospective juror indicates they are biased, the judge should take that seriously. Bias should be the grounds for disqualification. I urge your support.

SENATOR HAMMOND:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 421. Like my colleagues, I heard a great deal of testimony on this item; I congratulate those who worked on the bill to try and make it better. But in the end, what we lacked was the ability to give judges the discretion they need when trying to qualify those who sit on juries.

Roll call on Senate Bill No. 421:
YEAS—11.

Senate Bill No. 421 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 424.
Bill read third time.
Remarks by Senators Segerblom and Settelmeyer.
Thank you, Mr. President. Senate Bill No. 424 provides that if you are involved in what would be comparable to a short sale of your house; when the bank sells the house, you have a right to meet the same price and stay in your house if you can. The circumstances under which you can do it are very limited, but it’s a tool in the toolbox for homeowners who feel they are underwater and the bank is not working with them to reduce their principal. Thank you for your support.

Thank you, Mr. President. I rise with some concerns as well as opposition to Senate Bill No. 424. In some of the smaller rural areas, sometimes only two or so people show up to bid on a house at the courtroom’s steps. If you create a situation where the person who was foreclosed upon has the right to buy the home at the lowest price—right of first refusal—it could create a situation where individuals will no longer be willing to come forward and bid on homes in rural areas. To my knowledge, an individual who has been foreclosed upon still has a right to go to the court themselves and participate in the bidding process in a competitive arena. I am worried we may lower some of the home values that will be obtained.

Roll call on Senate Bill No. 424:
YEAS—16.
NAYS—Cegavske, Goicoechea, Gustavson, Hardy, Settelmeyer—5.

Senate Bill No. 424 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 425.
Bill read third time.
Remarks by Senator Hutchison.

Thank you, Mr. President. 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. This bill passed unanimously out of the Senate Committee on Judiciary. I urge your support.

Roll call on Senate Bill No. 425:
YEAS—21.
NAYS—None.

Senate Bill No. 425 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 428.
Bill read third time.
Remarks by Senators Atkinson, Settelmeyer and Manendo.

Thank you, Mr. President. Senate Bill No. 428 requires operators of tow cars to accept cash, money orders, credit cards or debit cards, or any other electronic transfer of money as payment for towing services. To comply with this provision, the bill authorizes an operator of a tow car to enter into a contract with an issuer of a credit card or debit card to provide for the acceptance of such cards for the payment of rates, fares and charges. The measure authorizes the Nevada Transportation Authority to regulate the maximum fee that a tow car operator may charge a
customer for the convenience of using a credit or debit card. This bill is effective on October 1, 2013. I urge your support.

SENATOR SETTELMEYER:
Thank you, Mr. President. I have a concern which the Committee Chair indicated he may be able to address for me: I would like to make sure that in the rural areas, Senate Bill No. 428 does not require the taking of credit or debit cards anywhere since there are locations that don’t have reception. This bill indicates you have to take that type of payment at the site of the location of the main shop, correct?

SENATOR MANENDO:
Thank you, Mr. President. Yes, most of the transactions would take place at the tow shop.

Roll call on Senate Bill No. 428:
YEAS—21.
NAYS—None.

Senate Bill No. 428 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 429.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Senate Bill No. 429 eliminates the requirement that the Taxicab Authority approve or disapprove the color scheme on the taxicabs of a particular certificate holder. The bill also allows taxicab companies to place advertisements on the exterior of each of the companies’ vehicles as long as each taxicab company’s vehicle is distinguishable from taxicabs of other taxicab companies and that fare schedules remain visible on the exterior of the vehicles.

Roll call on Senate Bill No. 429:
YEAS—21.
NAYS—None.

Senate Bill No. 429 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 441.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Senate Bill No. 441 makes various changes governing business entities. It cleans up the business law provisions in our statutes. It provides that a director, officer, manager, managing member, general partner or trustee of certain business entities consents to personal jurisdiction. The measure also provides that unless otherwise restricted by the articles of incorporation or bylaws, members of a corporation may participate in a meeting through available technology if the corporation has implemented reasonable measures to: (1) verify the identity of each person, and (2) provide an opportunity to participate in a substantially concurrent manner with such proceedings. Senate Bill No. 441 also authorizes an insurance company to organize as a nonprofit corporation. I urge your support.

Roll call on Senate Bill No. 441:
YEAS—21.
NAYS—None.
Senate Bill No. 441 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 448
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Senate Bill No. 448 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 to the Legislature. I urge your support.

Roll call on Senate Bill No. 448:
YEAS—21.
NAYS—None.

Senate Bill No. 448 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 449
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Senate Bill No. 449 increases from two years to four years the period within which a person remains subject to additional penalties for committing a third or subsequent offense involving the illegal disposal of cesspool or septic tank effluent or solid waste.

Roll call on Senate Bill No. 449:
YEAS—21.
NAYS—None.

Senate Bill No. 449 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 450
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Senate Bill No. 450 revises the qualifications of the district health officer. The officer must be licensed or eligible to be licensed to practice medicine and, if eligible, must obtain a medical license within 12 months of hire. Senate Bill No. 450 also requires the officer to have a master’s degree, equivalent work experience or certification, or be eligible to obtain certification, by the American Board of Preventive Medicine. The officer must also have five years of experience working in a management position for a local, state or national public health agency.

Roll call on Senate Bill No. 450:
YEAS—21.
NAYS—None.
Senate Bill No. 450 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 453.

Bill read third time.

Remarks by Senators Smith, Kieckhefer, Jones and Spearman.

SENATOR SMITH:
Thank you, Mr. President. I rise in support of Senate Bill No. 453 which allows a physician to issue an order for auto-injectable epinephrine to a public or private school for the treatment of anaphylaxis experienced by any student at the school during school hours—these devices are known as “EpiPens” in most of our daily lives.

The bill further requires each public school, including charter schools, to obtain such an order from a physician and allows a school nurse or other designated employee who has been properly trained, to possess and administer auto-injectable epinephrine to a student experiencing anaphylaxis. This measure also requires each public or private school, to the extent feasible, to provide training concerning food allergies to certain employees and to develop a comprehensive action plan for anaphylaxis.

This sounds like an innocuous bill but it’s really an opportunity for us to save lives. Children in schools who suffer from anaphylaxis have minutes to have the injection or they could lose their lives. We heard story after story in testimony and in research about how critical this is. I urge your support.

SENATOR KIECKHEFER:
Thank you, Mr. President. I also rise in support of Senate Bill No. 453. My daughter carries an EpiPen with her; she has a severe egg allergy. We know her allergy brings a risk in her daily life. As parents, we can take a precaution against that, there are many kids in school who don’t know what they are allergic to; a bee sting could kill them. They don’t know because they have never experienced it yet. This is an opportunity to prevent a potential death of a child in a very sensible way—at no cost to the State. I would like to commend the sponsor for bringing this bill forward and for working so hard to get it accomplished.

SENATOR JONES:
Thank you, Mr. President. I also rise in support of Senate Bill No. 453. When I originally met with the sponsors, I remarked that my wife has an EpiPen and that I didn’t know how to use it. I would like to give a “shout out” to nine-year-old Layla who came to the Committee and demonstrated how to use an EpiPen before our Committee. She was courageous. There are many students out there who will benefit from this bill.

I would also like to note for the record that Senate Bill No. 453 is the only bill, as far as I can tell, that has truly unanimous support: 191 “yes” votes with none against.

SENATOR SPEARMAN:
Thank you, Mr. President. I, too, rise in support of Senate Bill No. 453. As an acute asthmatic, I know how important it is to have that EpiPen close at hand at all times.

Roll call on Senate Bill No. 453:
YEAS—21.
NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 456.

Bill read third time.
Remarks by Senator Manendo.

Thank you, Mr. President. Senate Bill No. 456 authorizes an insurance company to designate certain vehicle storage lots to which inoperable or stolen vehicles insured by the insurance company must be towed under certain circumstances. A tow car operator who tows a vehicle to a vehicle storage lot is entitled to payment at the time the vehicle is delivered. Additional provisions require law enforcement officers to make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of such a vehicle and to make a good faith effort to communicate that information to the operator of the tow car before the vehicle is towed. The amendatory provisions of this bill only apply to a county whose population is 700,000 or more (currently Clark County). This bill is effective upon passage and approval. I urge your support.

Roll call on Senate Bill No. 456:
YEAS—21.
NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 478.
Bill read third time.
Remarks by Senators Kihuen, Kieckhefer, Smith, Goicoechea and Ford.

SENATOR KIHUEN:

Thank you, Mr. President. Senate Bill No. 478 requires the Director of the Department of Corrections to obtain certain assurances and information before entering into any contract with a private employer for the employment of offenders. It provides that if any State-sponsored program for the employment of offenders incurs a net loss for two consecutive fiscal years, the Director must appear before the Committee on Industrial Programs to explain the reasons for the net loss and provide a plan for the generation of profit in the next fiscal year. Senate Bill No. 478 further provides that if the program does not generate a profit in the third fiscal year, the Director must take appropriate steps to resolve the issue. Finally, the measure provides that on or before January 1, 2014, and every five years thereafter, the Director shall submit a report to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs. The report must include: (1) an analysis of existing contracts with private employers for the employment of offenders; and (2) the potential impact of those contracts on private industry in Nevada. This measure is effective on July 1, 2013.

SENATOR KIECKHEFER:

Thank you, Mr. President. I have some questions about Senate Bill No. 478. I have read the bill several times and my take away is that we have a policy of the State that we want to ensure that offenders receive training, where appropriate, and that they have the opportunity to find gainful employment upon their release from prison. This bill seems to undermine that policy and intent significantly. The way the reporting requirements are included in the bill, such as: if a private business wants to use prison industry products or labor, they have to provide a report to the Department of Corrections that says they are going to hurt other private businesses in various ways and then publish the information in the public record of trade associations and labor unions to let them know how to protest if the use of prison labor is to be disagreed with. I can’t foresee any scenario in which people are going to use prison industry labor under Senate Bill No. 478. If the goal is to eliminate the necessity for prison industry labor and the use of it in our State, let’s be honest about it and eliminate it. If I am incorrect in my interpretation, I would appreciate someone clarifying things for me.
SENATOR SMITH:
Thank you, Mr. President. I rise to speak in support of Senate Bill No. 478. As the Chair of the Senate Committee on Finance and the Chair of the Interim Finance Committee where we heard continual reports of debt owed to the program of a prison industry program that is not functional, and of a program that is competing with the private sector in a very nonfunctional way and owing money. There is a $400,000 debt to the State. For someone to use prison labor is unacceptable in my mind. This bill was designed to have some very strict parameters on this type of industry to ensure that businesses who do engage in this area are accountable to the prisoners and accountable to the tax-paying corrections system. We want to ensure they are not taking business and future tax dollars away that the private sector will also be paying.

SENATOR GOICOECHEA:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 478. I sit on the Interim Finance Committee; I heard the problems that were brought to us. I am concerned we are “throwing the baby out with the bathwater.” Prison industries has a goal and a function: it is to train and rehab inmates. It costs money; it is expensive. I agree with the Chair of the Interim Finance Committee that we do have a problem and oversight is good. But I don’t think we should throw the whole program out; I am afraid we are sending the wrong message with Senate Bill No. 478. By the time someone meets all of the accounting requirements, prison industries will be crippled.
The mattress factory in Lovelock runs on prison industry labor and it will never pay its own way; it will always be a negative. But it does provide inmates with training, as well as the ability to pay back to the system. I urge your opposition.

SENATOR FORD:
Thank you, Mr. President. From the head and from the heart, I echo some of the sentiments expressed by my colleagues from Senate Districts Nos. 16 and 19. I had grave concerns when I heard about Senate Bill No. 478 because we have competing interests relative to what we want to do as a State. We certainly want to rehabilitate those who are in prison and make certain that when they are released, they have jobs they can move into in order to become active social agents in our society (as opposed to charges on our society). I view a competing interest here, however. Under this circumstance, I think it weighs in favor of providing those who are outside the prison system with an opportunity to have jobs.

We all know the impacts of the Great Recession. Competition is one thing, but unfair competition is something completely different. What I see has occurred in this instance, where we have prison labor unfairly competing with businesses and labor unions—they both have agreed this is an issue that needs to be addressed via this legislation. As much as I do not want to decide between those competing interests, I have to suggest that you support Senate Bill No. 478 as it would attempt to rectify some of the unfair competition that is taking place. There are folks in need of employment outside of the prison system right now. We also need to do what we can to make certain that those inside the prison system are trained appropriately and can secure other opportunities; but at this juncture—as we stand here today—it is unfair competition at its apex. I urge your support of Senate Bill No. 478.

Roll call on Senate Bill No. 478:
YEAS—15.
NAYS—Cegavske, Goicoechea, Gustavson, Hardy, Parks, Settelmeyer—6.

Senate Bill No. 478 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 493.
Bill read third time.
Remarks by Senator Atkinson.
Thank you, Mr. President. Senate Bill No. 493 revises provisions governing loans secured by a lien on real property in which investors hold the beneficial interests. The bill authorizes the holders of 51 percent or more of the ownership interest in the real property previously securing the loan to act on behalf of all of the holders of the ownership interests of record. Senate Bill No. 493 revises provisions concerning actions authorized to be taken by the holders of 51 percent or more of the balance of a loan or ownership interest in a property and provides for the disposition of the minority beneficial interests in the event of foreclosure or receipt of a deed in lieu of foreclosure. This bill is effective on July 1, 2013. I urge the passage of this measure.

Roll call on Senate Bill No. 493:
YEAS—21.
NAYS—None.

Senate Bill No. 493 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 496.
Bill read third time.
Remarks by Senator Atkinson.
Thank you, Mr. President. Senate Bill No. 496 requires that an insurer file a portable electronics insurance policy form, including any certificate of coverage, with the Commissioner of Insurance before the insurer uses the form. The bill allows an insurer who issues a portable electronics insurance policy to change a term or condition of the policy more than once in a six-month period. Additionally, Senate Bill No. 496 reduces from 15 days to 10 days the period within which an insurer must notify a vendor and an enrolled customer of its intent to terminate coverage after discovering fraud or material misrepresentation by the customer. This bill is effective on October 1, 2013. I urge your support.

Roll call on Senate Bill No. 496:
YEAS—21.
NAYS—None.

Senate Bill No. 496 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 503.
Bill read third time.
Remarks by Senator Manendo.
Thank you, Mr. President. Senate Bill No. 503 authorizes the Department of Motor Vehicles to issue licenses and identification cards that expire on the eighth anniversary of the person’s birthday or the eighth anniversary of the date of issuance. The bill allows the Department of Motor Vehicles to charge twice the amount of certain fees for such licenses or cards. This bill also provides for the issuance of a nonresident commercial driver’s license or nonresident commercial learner’s permit if the person is a resident of a state that is prohibited from issuing commercial driver’s licenses pursuant to federal regulation.

Roll call on Senate Bill No. 503:
YEAS—21.
NAYS—None.
Senate Bill No. 503 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Joint Resolution No. 13.

Bill read third time.

Remarks by Senators Spearman, Parks, Settelmeyer, Roberson, Hutchison, Ford, Smith, Hammond, Hardy, Segerblom, Jones, Denis, Brower, Atkinson, Manendo and Kihuen.

**Senator Spearman:**
Thank you, Mr. President. I rise in strong support of Senate Joint Resolution No. 13—as a matter of equality. Senate Joint Resolution No. 13 proposes to amend the Nevada Constitution to provide that the State of Nevada and its political subdivisions shall recognize marriages and issue licenses to couples, regardless of gender. Religious organizations and clergy have the right to refuse to perform marriages and no person has the right to make a claim against a religious organization or clergy for such refusal.

All legally valid marriages shall be treated equally under the law. The resolution also proposes to repeal existing provisions that only a marriage between a male and female person may be recognized and given effect in Nevada. If approved in identical form during the 2015 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

I would like to punctuate that last statement: this is a vote to let the people vote for equality.

**Senator Parks:**
Thank you, Mr. President. I rise in support of Senate Joint Resolution No. 13. Over the last decade since Nevada’s constitutional ban on same-gender marriage Question 2 passed, Nevadans, the Nation and the world as a whole have gained a different perspective on same-gender marriage. Since Question 2 went into effect in 2002, nine states have passed legislation or had their supreme court allow for same-gender marriage. New York, Iowa, Massachusetts, Connecticut, Vermont, New Hampshire, Maryland and Washington, as well as the District of Columbia now recognize what Senate Joint Resolution No. 13 intends to establish should it pass by two votes of this Legislature and one vote of the people in 2016.

Back in 2000 when Question 2 was initially proposed, there were no countries or states that permitted same-gender marriage. Today, 14 countries have fully implemented same-gender marriage. As recently as last week, New Zealand joined with France and Uruguay to enact same-gender marriage. And I predict England will be the fifteenth country.

Over the past several weeks and months, numerous United States Representatives and United States Senators have reversed their stances on same-gender marriage. Senator Rob Portman, once a contender for the nomination of Vice President of the United States, now stands in full support of same-gender marriage. Former Utah Governor and United States Ambassador John Huntsman does as well. Conservative Democrats including Senator Bob Casey also now support marriage equality.

It isn’t just state legislatures that have reversed their opinions. Nearly all of the arguments against gay marriage are based on religious beliefs; however, many religious leaders are in support of marriage equality.

Many countries have opened their armed forces to gay service members. Back in 1993, the United States government instituted a policy that prohibited gay and lesbian service members from disclosing their sexuality nor allowing anyone to ask what their sexual orientation was.

Seventeen years later, United States Admiral Mullen, as Chairman of the Joint Chiefs of Staff, stated, “It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do.” He continued by saying, “No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals, but also ours as an institution. I also believe that
the great young men and women of our military can and would accommodate such a change. I never underestimate their ability to adapt. We have already seen it.”

I have no doubt that the people of Nevada will be able to adapt to same-gender marriage should it pass at the ballot. There is no threat here, no threat to one’s marriage nor their own personal views. There is no reason to adapt as life will go on for all of you, but it has a chance to change drastically for me and my friends.

My ultimate goal is to help create a society where people no longer define themselves as gay, lesbian, transgender or straight, but rather be deemed equal—where no one cares who is heterosexual, homosexual, bisexual or transgender. I see a place where we can love whomever we want without fear of ostracism, prejudice, discrimination or violence.

Lesbian, gay, bisexual and transgender individuals want one thing: full equality. With that comes the right and protections of roughly 300 State laws, and more than 1,000 federal laws. Passage of Senate Joint Resolution No. 13 will begin the positive process toward fairness and equality.

Senate Joint Resolution No. 13 simply allows Nevadans to decide if they support same-gender marriage. Senate Joint Resolution No. 13 is not a vote in support of same-gender marriage, it is a vote allowing the majority of Nevadans to decide if we should join other states around the Nation in granting equality to all.

As your friend who has worked side by side with many of you for years, a colleague who sits next to you in committee meetings and someone who eats lunch with you, I implore you to vote for Senate Joint Resolution No. 13 so someday soon I may have the same rights to which you are entitled.

SENATOR SETTLEMeyer:
Thank you, Mr. President. When the sponsor of Senate Joint Resolution No. 13 from Senate District No. 3 came to me with this item early on, I told him I was in favor of taking it out of the Nevada Constitution. I firmly believe the discussion of marriage does not belong in our Constitution; it is a social issue that does not belong there. It should only be in statute. When the amendment replaced the repealed section, I had the same problem. Therefore, I remain opposed to Senate Joint Resolution No. 13.

SENATOR ROBERSON:
Thank you, Mr. President. I rise in opposition to Senate Joint Resolution No. 13 as now amended. It is regretful it has come to this. I and others in the Senate Republican Caucus supported the original Senate Joint Resolution No. 13 which would have provided the voters the opportunity to repeal the prohibition on same-sex marriage currently in the Nevada Constitution.

Less than a month ago I said the following, “I have always believed that marriage is a religious union between a man and a woman. I have never understood why government has a role in this relationship. However, given the fact that the government does license and sanction marriage in Nevada, it is difficult for me to justify differential treatment based upon sexual orientation or gender.” My position today is the same as it was then. I do not believe the subject of marriage, and who can and cannot be married, belongs in the Nevada Constitution.

Process is important. The better course of action was—and is—to pass the original version of Senate Joint Resolution No. 13, to remove the subject of marriage from the Nevada Constitution. Following repeal, this Legislature can address the subject of marriage as it historically has, by statute. I also believe the original repeal language would have had a much better chance of passing at the ballot than the amended repeal-and-replace language.

It is unfortunate that the Majority Party decided to introduce a surprise amendment to put marriage back in the Nevada Constitution without discussing such an amendment with supporters of the original Senate Joint Resolution No. 13 in the Minority Party. Perhaps, if such dialogue had taken place, today’s vote would have received more bipartisan support. Going forward, I hope the Majority Party adopts a different and more cooperative approach when seeking support from the Minority Party on important issues such as this. I think the Majority Party will find such an approach to be more successful, and the people of Nevada will appreciate it.
Senator Hutchison:
Thank you, Mr. President. I stand first to express again my profound respect for this Body and for my friends and colleagues who make decisions on matters that often involve competing interests that are legitimate and important to both sides of the debate. My respect for my colleagues when they disagree with me on this, or other matters, is not diminished based on how they vote; I have yet to meet anybody in this Body who is not sincerely trying to do what is, in their opinion, in the best interest of their constituents and Nevadans.

Honorable people of good faith hold sincere beliefs and views on both sides of the question over the definition of marriage. If Senate Joint Resolution No. 13 had been worded to place on the ballot, the question of same-gender marriage for the consideration of voters, I could have supported it. That is democracy. And that is how the Nevada Constitution was originally amended to include the current definition of marriage. The initiative process is how we got here. I support the right of the people to choose to change the Nevada Constitution. However, Senate Joint Resolution No. 13 does not state that the question of same-gender marriage is being referred to the people. Rather, by its express language, it requires me to vote today to: (1) repeal the definition of marriage between a male and a female in the Nevada Constitution, and (2) replace the definition with a constitutional directive that all marriages are recognized in this State regardless of gender. I simply cannot do that because of my own religious beliefs and convictions.

My faith teaches that marriage is between a man and a woman. It is a matter of doctrine for members of my faith.

Lest I, and others who believe or feel as I do, be accused of intolerance, insensitivity, hypocrisy, or standing in need of enlightenment, I quote a high-profile politician’s point of view; said he in seeking a United States Senate seat, “I am a fierce supporter of domestic partnerships and civil union laws. I am not a supporter of gay marriage as it has been thrown about, primarily just as a strategic issue. I think that marriage, in the minds of a lot of voters, has a religious connotation.”

In seeking the United States Presidency, this then-United States Senator further emphasized the role of his own religious beliefs on the subject in comments to Southern California mega-church Pastor Rick Warren, “I believe that marriage is the union between a man and a woman.” He continued, “Now, for me as a Christian, it is also a sacred union. God’s in the mix.”

Until about a year ago this was the view of the President of the United States. He changed his views on the subject, no doubt, but I do not recall his supporters labeling President Obama as intolerant, insensitive, hypocritical or unenlightened. He had a different view than others. Even after he recently changed his own view on the marriage issue, Reverend Joel Hunter, the evangelical pastor who President Obama calls his spiritual adviser, said he was disappointed that the President changed his views on same-gender marriage.

What is my point? There are people of good faith on both sides of Senate Joint Resolution No. 13 who hold sincere and deep but differing views. Condemnation and persecution have no place among those of us who hold these differing views.

Here are my own views and beliefs: I do not support redefining marriage; I do not think the law should prohibit adults from entering into loving and emotional relationships; I support civil unions; and I support strongly the protections to prevent discrimination based on sexual orientation.

I applaud this Body’s enactment of anti-discrimination laws based on sexual orientation in housing, employment, public accommodations, public contracts, foster homes, public welfare, job training, apprenticeship programs, real estate appraisers and medical professionals. These are important laws and the right public policy.

I support—and indeed co-sponsored along with many of you here—my colleague from Senate District No. 1’s bill, Senate Bill No. 139, that enhanced the penalties for criminals who visit violent, abusive and illegal acts on victims that are motivated because of race, gender, sexual orientation and other characteristics of the victim. I take seriously my own faith’s teaching and doctrine that kindness and love should govern our interactions with each other as brothers and sisters.

I respectfully ask that we as Body retain the definition of marriage as between a man and a woman in the Nevada Constitution. Thank you for listening to and considering my views.
SENATOR FORD:

Thank you, Mr. President. My heart is beating really fast right now. We have had a few difficult votes these last few weeks. Last week I had to vote against a colleague of mine who put a resolution out to overturn *Citizens United*. It was a difficult vote for me; I had to vote my conscience on it. Last Friday, and again today, I had to vote against another colleague whom I respect dearly and whom I had given my word, until I received information about the prospect of the Religious Freedom Restoration Act undermining other issues. That was a tough vote for me.

My heart is beating faster now than on any vote to date. Please let me share a couple of vulnerabilities with you. I was born in Dallas, Texas—in the blue part of Dallas, the part that is inner city, the part that’s ghetto and the part that believes in liberal ideas. But I went to a university in Texas that was very conservative; in fact, it was considered the conservative bastion of Texas, Texas A&M University. After five years of being there, I had been indoctrinated, in a sense, with certain beliefs about things. Two of those beliefs were relative to abortion, which I adamantly opposed, and to gay rights, which I did not support.

I lived in Nevada in 2000 when we had the first vote on the ballot about whether we were going to define marriage as between a man and a woman. I voted for that definition. Two years later, I voted against it. My evolution—you might think had already taken place at that time, but it really was just beginning. As you have seen here at the Legislature, sometimes my thought processes change. My evolution had not completed in 2002 when I voted on the definition of marriage.

I moved back to Dallas in 2003. I will never forget driving with my wife between Dallas and Houston with a very good friend who I respect deeply; I don't know how it came up but we were debating the appropriateness of Texas—yes, I said Texas—allowing and recognizing gays to marry. My colleague, who I revere as he is a great person and a mentor to me, he did not support the idea. Somehow I found myself on the opposite side of the argument. I don’t know if it was me playing devil’s advocate or if it was truly part of my evolution; I remember mentioning to him a United States Supreme Court case: *Loving v. Virginia*. It was the case that allowed people who look like me, to marry someone who does not; it is the case that said blacks and whites could marry. It is the case that undermined and invalidated the Virginia law that dictated black people and white people could not marry.

As I thought about that case, I realized it stood for more than the proposition that one should be able to marry. It stood for the idea that you should be able to marry who you want to, whether that person is black, white, Indian, Haitian, yellow, green, brown, same sex or otherwise. That was the argument that persuaded me at that time, that I had evolved. I do not use the term “evolved” in a pejorative sense to say that those who do not believe what I believe are not evolved because I agree with my colleague from Senate District No. 6, reasonable minds may disagree. Tonight, however, I urge you to support the notion of equality—that which denied me and people who look like me, an opportunity to marry who we wanted to based on some arbitrary definition on what it is supposed to be about.

I don’t mean to sound preachy or “teach-y” or otherwise. My heart is beating out of my chest right now because this is an important issue. We have an opportunity in this State to say as others have said in Iowa, New York and Hawaii, that we are not going to bow to the pressures of bigotry. Instead we are going to allow people to marry who they want to. I encourage you to vote in favor of Senate Joint Resolution No. 13.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Joint Resolution No. 13. A month ago I had not envisioned myself standing up and talking on this issue. However, as it has been in the forefront of the media and in the center of discussions in this building over the last several weeks, I have developed a strong feeling about it. As I have corresponded with many constituents and non-constituents, I have realized I want to speak on this issue.

In response to other comments that have been made: I am shocked to hear that the amendment to Senate Joint Resolution No. 13 is considered a surprise. There has been discussion going on for at least the last several weeks on this topic. The people who have been working on this
topic have been putting in many hours of discussions. I did not imagine this coming across as a surprise.

One of the comments I have received from constituents is around the idea that the people have already spoken and how dare we revisit what has already been decided. I have also heard comments that the definition of marriage does not belong in the *Nevada Constitution*—those who are expressing that sentiment supported it being in the *Nevada Constitution* prior to this, so I don’t understand the difference.

I have been married for almost 39 years. I am a believer in marriage. In no way do I believe that anyone else’s marriage—and who they choose to marry—threatens me or my marriage. I think it is absurd to think that others shouldn’t have the same right as I have to be in a loving, committed relationship. They already have all of the legal rights but why can’t they have what I have, what the rest of us have? Why can’t my colleague from Senate District No. 7, my friend, have the same right as I enjoy?

I am grateful that opinions change and times evolve, because if they didn’t, women would not have the right to vote. I wouldn’t be standing here today with this microphone in my hand if things hadn’t changed.

**Senator Hammond:**

Thank you, Mr. President. Like my colleague from Senate District No. 2, I don’t get up often and speak. My heart is beating quickly too. As we look back on what we have done here on this Senate Floor, we have not had many bills with disagreements in front of us to vote on. I think the reason is because this Body works diligently on collaboration and very hard on compromise. I find it a pleasure and a privilege to serve here.

I am grateful for the comments from my colleague from Senate District No. 7. There are many times when I sit across from him, and others, at lunch and I do enjoy his company. I have members of my own family who are gay; I don’t speak in opposition to Senate Joint Resolution No. 13 with any less love for my colleagues than I do for those in my own family.

It was in 1999 that members of the Coalition for the Protection of Marriage got together and started to gather signatures. They had to gather 10 percent of the signatures of the people who voted in the last election; they needed approximately 40,000 signatures in order to put this issue on the ballot. From the information I was given, they were able to garner more than 200,000 signatures. They did the same process again two years later. Many of the people of the State of Nevada spoke on this issue. The item was passed by the voters with a convincing majority of votes.

My colleague from Senate District No. 1 mentioned that Senate Joint Resolution No. 13 puts the issue of same-gender marriage in front of the people. It has already been there twice within the last 11 years. I know that attitudes and opinions do change over time, but I would be more comfortable with this if it went through the initiative process once again in order to have the definition reconsidered. As it is today, I cannot support sending this back to the voters. It should go through the same process as it did in 2000 and 2002 rather than as a result of a minimum of 33 people from this Body endorsing it to go to the voters.

I want to thank those who have participated in this discussion. It hasn’t been easy for anyone. There are passionate views on both sides. I appreciate serving with my colleagues here. Those are the reasons I will be voting against this bill.

**Senator Hardy:**

Thank you, Mr. President. I personally believe that marriage between a man and a woman is ordained by God. I believe the divine plan of happiness enables family relationships to even be perpetuated beyond the grave. I do not believe Senate Joint Resolution No. 13 will strengthen the family as the fundamental unit of society. I believe I can still respect and appreciate people who disagree with me on this issue. Likewise, I have appreciated those who have been patient and tolerant of me and my beliefs.

**Senator Segerblom:**

Thank you, Mr. President. First, I want to apologize to anyone who feels the amendment to Senate Joint Resolution No. 13 was a last-minute surprise; it was not our intention. We thought the discussions around the topic were sufficient. Nonetheless, I apologize for that.
Second, I hear a complaint that the definition of marriage does not belong in the Nevada Constitution and that somehow putting it in there is inappropriate; it should be taken out. I would like to point out that marriage currently is in the Nevada Constitution and it has been there for 11 years. I haven’t heard any protests to remove it from the Nevada Constitution until now. Those who are saying they don’t want the proposed changes to marriage in the Nevada Constitution have not been working to get the definition out of the Nevada Constitution during the past 11 years. When this passes following a vote of the people in 2016, marriage will have been in the Nevada Constitution for 15 years. In the Nevada Constitution today, it says gays and lesbians cannot marry; what Senate Joint Resolution No. 13 proposes to do is to change the word “cannot” to “can.”

With your permission, I will return here in 2030 and we can all vote to take marriage out of the Nevada Constitution for once and for all. In the meantime, since same-gender marriage will be defined in the Nevada Constitution as being prohibited for 15 years (when the people vote in 2016 to reverse it), we should leave it in as not being prohibited for the same amount of time (another 15 years) to be fair. I urge you to support Senate Joint Resolution No. 13. Do not worry about whether marriage is in the Nevada Constitution or not because it is. Let’s make it clear that marriage is for everyone, not just a select group of people.

SENATOR JONES:
Thank you, Mr. President. I did not plan to speak on this issue. As it has played out in the newspapers, it is a personal, difficult decision. Like my colleagues, my heart has been racing since the vote on this item has come before us.

Nearly every Sunday for the past decade, I sit with my mother-in-law, father-in-law, my brother-in-law and the rest of my family at church. My brother-in-law Bryce is an Eagle Scout, he sang in a church choir with Gladys Knight for many years. Bryce is gay and has been “out” since my wife and I were married 18 years ago.

I have heard some of my Republican colleagues say they would have supported a repeal of the existing constitutional protections but cannot support Senate Joint Resolution No. 13. I struggled with this issue and I looked at the option of a repeal over and over. I looked for ways we could get to the same result but I came to the conclusion that there is no way to give those who love one another, regardless of gender, the protections we all deserve.

In the hallway on Friday, Richard Ziser was overheard remarking to one of my colleagues that if Senate Joint Resolution No. 13 passed with my vote, that I was “as good as gone in the next election cycle.” I hope that is not true. However, I would rather lose an election than look my brother-in-law in the eye every Sunday and tell him that he should not have the same rights as I do, as his sister does.

For Bryce, I will be voting yes.

SENATOR DENIS:
Thank you, Mr. President. This is a deep issue for many individuals. I have spent a lot of time thinking and praying. My personal views on this issue have not changed. I share the same religious views as several members of this Body. I believe that marriage should be between a man and a woman. However, I also feel that I represent others, a constituency that is not decided on this issue. I represent a constituency who should have the opportunity to hear. While it is a difficult decision—and because of that difficulty—the people of the State of Nevada should have the opportunity to vote on this issue. That is why I will be voting in favor.

SENATOR BROWER:
Thank you, Mr. President. I rise in opposition to Senate Joint Resolution No. 13. I agree with much of what my colleague from Senate District No. 13 said and with the comments of my colleague from Senate District No. 11, and most importantly, my colleague from Senate District No. 7, who I was proud to support back in 1999 when we passed the law that put sexual orientation into our non-discrimination statute here in Nevada. There was some hand wringing about that issue back then but it passed with bipartisan support and everyone moved on. I have not heard a single person say a single thing about that bill since. That’s the way a lot of things around here work; we think things are controversial and they turn out not to be.
I am opposed to Senate Joint Resolution No. 13 as amended for a couple of reasons. We don’t need to belabor the process; I appreciate my colleague’s apology for the way the amendment was handled. The amendment did not get a hearing, nor was it on our desks at the time we took it up on the Floor. But we all know by now what the amendment says.

The original version of Senate Joint Resolution No. 13 made a lot of sense. It would have given the voters of our State a choice to repeal the provision that is currently in the Nevada Constitution. I believe that approach would have had broad bipartisan support. With the amendment, we are talking about changing the Nevada Constitution in a way that no other state in the union has; we would be the first. Some may say we might as well be first on this. I am not sure this makes sense.

I don’t believe a definition of marriage should be in the Nevada Constitution. I may hold a unique position among those opposing Senate Joint Resolution No. 13 in that I voted against Question 2 in 2002 because I did not think the issue should be in our Nevada Constitution. I thought it was mean spirited. I am not going to stand here and tell you in 2002 I was one of the few who thought marriage should not be between a man and a woman. Most people, and certainly most politicians including the President of the United States in 2002, thought marriage should be between a man and a woman.

I also felt at the time that the feeling of those folks would likely change over time. If it did change, this Body ought to be able to change the Nevada Revised Statutes to reflect that change. It should not require a constitutional change. That is why I voted against Question 2 back in 2002. For that same reason, I cannot support Senate Joint Resolution No. 13 as amended.

I am not sure why Senate Joint Resolution No. 13 was amended. It is not something that anyone has discussed with me, although I am quick to acknowledge it is not up to the proponents of the bill to come to me for strategic advice. It is something that was not debated and it was not heard; and I did not have a chance to give any input. I was doing some research on the evolution of Senate Joint Resolution No. 13 and I found that the chief sponsor of the resolution said back in March, “Repeal is all we need right now. It gives it to a vote of the people.” I agree.

I acknowledge that the feeling of the voters in Nevada has evolved and we ought to let the people of our State decide whether they believe this definition ought to be in the Nevada Constitution. This proposal, however, goes well beyond that. As a result, I cannot support it. I wish we were not here. If more Nevadans voted like I did on Question 2 in 2002 we would not be here talking about a change to the Nevada Constitution. I say give it to the people and let them vote to take it out. Then we will deal with the issue at the Legislature to change Nevada Revised Statutes.

SENATOR ATKINSON:

Thank you, Mr. President. Like my colleague from Senate District No. 9, I was not going to speak tonight. We sometimes have long floor debates where we stand and speak, and we fail to change anyone’s mind. Everyone knows what they are going to do on this issue.

What I do find is an artificial target. I listened to my colleague from Senate District No. 11 speak passionately about this issue. He said his heart was pounding, as did others. Mine is popping out of my suit as well. This is a very important issue.

I have looked at the original intent of Senate Joint Resolution No. 13 and I have looked at the amendment. I am a bit appalled that it was suggested that a last-minute amendment shocked members of this Body. Everyone in this House knows this is business as usual. This should not be the reason to reject something of this magnitude of importance.

My colleague from Senate District No. 15 spoke about his vote in 2002. And my colleague from Senate District No. 11 speak passionately about this issue. He said his heart was pounding, as did others. Mine is popping out of my suit as well. This is a very important issue.

I have looked at the original intent of Senate Joint Resolution No. 13 and I have looked at the amendment. I am a bit appalled that it was suggested that a last-minute amendment shocked members of this Body. Everyone in this House knows this is business as usual. This should not be the reason to reject something of this magnitude of importance.

My colleague from Senate District No. 15 spoke about his vote in 2002. And my colleague from Senate District No. 11 spoke of interracial marriage being prohibited. My parents divorced a long time ago and my father remarried. I have six half-sisters because my step mother is white. I have seven mixed-race siblings as well. I have seen these struggles unfold in my own family.

Here we are in 2013 and we are still talking about equality; we are still talking about something that we should have moved beyond. I said in Committee that people should mind their own business and allow people to do what they want. It is unfortunate we are making this a partisan issue because it isn’t.

I am 44 years old. I have a daughter. I am black and I am gay. I have dealt with a lot of what folks are talking about. Some of you are hearing me say this for the first time: I am a black, gay
male. I've heard comments about me and this resolution; I've heard comments about people I care deeply for. I have heard some nasty, ugly things said in my presence because those speaking didn’t realize I am gay. For people who know me well, for me to not say something takes a lot of restraint. To hear what I am hearing, and knowing the respect I have for others, I am disappointed.

I had a constituent say to me a few years ago, when I voted in favor of domestic partnerships, that she was not going to vote for me anymore because I was diluting her marriage with that action. I heard my colleague from Senate District No. 13 say this does nothing to hamper her marriage so I repeat it now. Some people have it in their heads that if marriage equality is passed it somehow interrupts their marriage. If the passage of Senate Joint Resolution No. 13 somehow interrupts your marriage, your marriage was in trouble in the first place.

Even though I don’t think my remarks have the power to sway anyone here tonight, I encourage my colleagues to vote in favor of Senate Joint Resolution No. 13. We are voting to send this to the voters. Some are saying how the voters will respond but I recall the comments of my colleague around what happened in 2002 when it was on the ballot; signatures had to be collected. That is moving the target and it is not what we are here to discuss. We are sending this decision back to the voters and if people are that worried about the voters approving a change in the definition of marriage, it’s all the more reason to do it. I think that is what the opposition is actually about—if you weren’t worried about the current definition changing, you wouldn’t be worried about sending it back to the voters to decide. The fact is some are concerned that the voters have changed their minds; that a different demographic will vote in our State and it will pass. I say send it to the voters and let them decide.

SENATOR MANENDO:
Thank you, Mr. President. I rise in support of Senate Joint Resolution No. 13. I think we all have people close to us who are gay. They may be our neighbors or family members; they may be both. I would like to talk about a couple I have known for years—constituents of mine. They get up each day and go to work. They pay their taxes. They support schools, libraries and parks. They obey the law. They take care of their lawn. They love their community. They volunteer at schools. They are wonderful people; some of the best people I have met in my life.

When Senate Joint Resolution No. 13 emerged this Session, I reached out to them to see how they felt about it. Surprisingly, they were very concerned. They expressed concern that placing this on the ballot would put them through hell again in their neighborhood. These two fine gentlemen were ridiculed and embarrassed—people put signs in their lawn calling them “queers.” Before the election, everyone loved them because they are good citizens and wonderful people in the community. Nobody knew otherwise until they put a sign in their yard against Question 2 back in 2002—I actually met them going door to door campaigning against Question 2. They just weren’t sure they could go through another election like that. They expressed hope that the courts might just decide this issue so they wouldn’t have to be criticized and ridiculed. These are the kind of people who do the right thing every day. They don’t bug anyone, they don’t disrespect others. They just want to love each other, be married and not be criticized.

As conversations went on between me and my friends on Senate Joint Resolution No. 13, we discussed both sides of the issue going to the ballot. After many emails, phone calls and one-on-one conversations, they came back to me and said, “Pass Senate Joint Resolution No. 13. We are ready and willing to help take on the fight even though it will be the hardest thing we ever do.” It’s so sad to have to anticipate being ridiculed in your own neighborhood for your beliefs. It’s so sad people are so fearful of something going onto the ballot.

My friends want to see same-gender marriage on the ballot so the people can decide. I am convinced there has been a change of heart in Nevada and in our country about this issue. I am willing to vote yes to put this on the ballot for the people of the great State of Nevada to decide.

SENATOR KIHUEN:
Thank you, Mr. President. I rise in strong support of Senate Joint Resolution No. 13. I keep hearing the word “evolution” tonight. I have never said this publically, but tonight is the right time to do it; all of my life I have been raised Catholic. I go to church every Sunday with my
parents; these are two parents who believe in a marriage being between a man and a woman. I was raised to believe that too.

Every Sunday when I go to church, I talk to the priest and fellow congregants. People talk to me about their concerns about the world becoming too progressive. I don’t argue with them; I actually agree with them. This country is changing. Nevada is changing. We must change with Nevada.

Just a few sessions ago, my colleague from Senate District No. 7 was the only openly gay member out of 63 members of this Body. Today, we have at least four members, perhaps five, who are open about being gay. What does that tell you? It tells you the people of Nevada, who know their representatives and who also know those representatives are openly gay, will still elect them into office to make decisions on their behalf.

Nevada is changing and we must change too.

All of my life I have been a devout Catholic, and I still am. Up until a couple of years ago, I believed marriage was between a man and a woman. I used to argue with my girlfriend—who is a lot more progressive than me, by the way, and who used to get mad at me and urge me to get with the times; she reminded me not to believe everything my church says. I love my girlfriend. She does not give me bad advice.

After talking with so many people—from campaigning and knocking on so many doors and listening to real-life stories about people serving in the military to protect this country—people who are giving so much to this country. They deserve the same thing that we all deserve.

Back in the 1960s, it was African-Americans who were fighting against discrimination. Before that it was women who were fighting for the right to vote. Today we see it with immigrants and we see it with gay Americans. If you truly believe in equality, let’s give equality to the people of Nevada. Let’s give equality to Americans. Just as I have evolved on this issue, I know many of my constituents have as well.

I believe in this from my heart because I talk to people every day. There are proud, gay Americans and they are people just like you and me. They deserve this. I urge you to support Senate Joint Resolution No. 13.

Senator Spearman:
Thank you, Mr. President. I am deeply moved by the statements of everyone on both sides of this issue. As my colleague just said, this is really about equality. I know some think civil unions are enough, but that doesn’t produce the same economic rights others have. When two opposite gender people get married, they can file their taxes jointly. When two opposite gender people get married, and one goes to the hospital, there is no question the spouse can come visit them; there is no question the spouse can stay with them at their bedside.

There are those who would say we already have equality, we just want it to be separate. But in the words of a young attorney, who, in 1954, arguing before the Supreme Court of the United States for the National Association for the Advancement of Colored People in the case of Brown v. the Topeka Board of Education, said: “Separate is not equal.” Earlier today, as this august Body deliberated Senate Bill No. 192, I stood in opposition because I said then that people can use religion as a way to discriminate.

It is not about my theology nor is it about my biology, it is really about equal rights. It is asking the people of Nevada: do you want all citizens of this State to have the same rights. Because right now, same-gender couples have taxation without representation. They do not have the same rights or the same liberties.

I want to quote from testimony I gave earlier because I think it is rather apropos, “freedom means nothing left to lose.” As an African-American woman, who in 1969, helped to integrate an all-white school in Holtville, Alabama, I was spit at. In Tennessee, I went into a restaurant where they said “colored people go to the back.” I entered through the front. They brought me the hamburger I ordered, but it was spit on before it was given to me. I know what it feels like when people want to push separate but equal. I am here to tell you, Thurgood Marshall was right, separate is not equal.

Quoting from Dr. Martin Luther King, Jr. in response to a letter that was sent to him admonishing him to wait and not rush to get civil rights for “Negroes,” he said:
“Such an attitude stems from a tragic misconception of time. From the strangely rational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men and women willing to be coworkers with God. Without this hard work, time itself becomes an ally of the forces of social stagnation.”

I, too, was taken aback by my colleagues assertion that the amendment to Senate Joint Resolution No. 13 was a surprise; I am not sure what else we could have done with respect to the dialogue. Certainly after this debate is over I will go back and reflect pensively on it. I was of the understanding that when you communicate with people and the north-south nod takes place that people either agree or understand; when they don’t, they come back.

Freedom means nothing less to lose. Time is not on our side. We have toiled too long with walls of partition that have divided us. First, it was free and slave. Then it was free negro and former slave masters. Then it was Jim Crow. People said you should have the right to live wherever you want to; in reality, African Americans could not. Somewhere along the line, we picked up the right for women to vote, after a very long struggle.

All we are saying this evening is let the people have a voice when we discuss equality.

It has been said that we are changing the definition of marriage. I respectfully disagree. Because whatever your definition is of marriage remains intact. It does not change your personal definition of marriage. When we put this issue in the religious realm, it’s much like the arguments around baptism—whether you should be baptized and dipped, baptized and sprinkled or baptized and poured. When we argue these things in the religious realm, nobody wins. Your religious beliefs are just that—your beliefs.

People are constantly saying marriage equality is a threat to marriage. A long time ago, I figured out that what really threatens marriage is adultery. However, I don’t see anyone trying to criminalize that. Marriages in this country have been in trouble for a long time. If you stop and think about it, the irony of our debate this evening is the fact that more and more opposite-gender couples are seeking to remain unmarried and simply live together.

My beliefs differ from yours and yours differ from mine; there are things we agree on and others we disagree on. Religion has no place in this debate. Because this is about equality.

People want to talk about biblical marriages. I ask them which one would they like to discuss? Abraham’s marriage? He was married to his half-sister. Jacob’s marriage? His mother sent him to her brother’s house to marry his first cousin. Should we talk about David? Or his son Solomon? He had several wives as well as 1,500 concubines. Which biblical marriage should we refer to? The language in Senate Joint Resolution No. 13 is not as drastic as what we read in the Old Testament concerning marriage.

As my colleague said from Senate District No. 3, marriage is already in the Nevada Constitution.

For those who say let’s take it one step at a time, I go back to Dr. King—“Now is the time. We have waited far too long. Soon history will judge us either by our work for justice or our silence on the sidelines.”

Once again, my colleagues, I urge you to support Senate Joint Resolution No. 13 which simply sends a question back to the people, “Will you support marriage equality?”

Roll call on Senate Joint Resolution No. 13:

YEAS—12.


Senate Joint Resolution No. 13 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to Assembly.
Senate Bill No. 229.
Bill read third time.
Remarks by Senators Ford, Settelmeyer and Parks.

Senator Ford: Thank you, Mr. President. Senate Bill No. 229 repeals the provisions of Senate Bill 271 of the 2011 Legislative Session. Senate Bill 271 of the 2011 Legislative Session (Chapter 530 of Statutes of Nevada) provides for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. This withdrawal will take effect on October 1, 2015, unless the governing body of the Tahoe Regional Planning Agency adopts an updated Regional Plan and certain proposed amendments to the Compact.

These amendments include: (1) the removal of the supermajority requirement for the governing body of the Agency to vote on matters considered by the Tahoe Regional Planning Agency; (2) requiring the Regional Plan of the Tahoe Regional Planning Agency to consider the Lake Tahoe Basin’s changing economic conditions; and (3) adding language to the Compact providing that a person who challenges the Regional Plan has the burden of proof to show that the plan violates the Compact.

The Governor may issue a proclamation extending this withdrawal deadline to October 1, 2017. Senate Bill 271 specifies that if Nevada withdraws from the Compact, the Nevada Tahoe Regional Planning Agency will assume the duties and powers currently held by the bi-state Agency for the portion of the Lake Tahoe Basin within this State; any approval for a project that was issued by the Tahoe Regional Planning Agency remains valid.

On December 12, 2012, the Governing Board of the Tahoe Regional Planning Agency adopted an update to the Lake Tahoe Regional Plan. The Plan was challenged in federal district court on February 11, 2013. I urge your support.

Senator Settelmeyer: Thank you, Mr. President. I rise in opposition to Senate Bill No. 229. There was much discussion during Committee about this issue. I think everyone here agrees with the importance of Lake Tahoe and the desire of all of us to make sure the environmental concerns going forward are addressed.

We need to do more for the Lake Tahoe area. Unfortunately, in the past and due to the current litigious nature at Lake Tahoe, we are prevented in many respects from being able to effect environmental concerns. I agree with Dianne Feinstein who said: “The only way we will see anything green at Tahoe is with green.” We need private-sector resources to come to the Tahoe Basin in order to address the issues. Unfortunately, the current structure is not allowing it.

Part of the discussion around Senate Bill 271 of the 2011 Legislative Session was the Regional Plan update. What is being failed to mention is part of the Regional Plan update is the local area plans; none of them have gone forward for passage by the individual counties. Therefore, they are still very much in threat of litigation coming forward. In that respect, I feel Senate Bill 271 of the 2011 Legislative Session should be left in place so we can continue to use it as a point of discussion on environmental issues through cooperation; in helping to stave off litigation and actually achieve environmental gains in the Tahoe Basin.

If we go back to the history of issues on Lake Tahoe, it was now-United States Congressman Mark Amodei who went to California; he was summarily kicked out of the California Legislature because he didn’t follow the proper protocol to be there. Therefore, they did not want to talk to him. We have come a long way. A former Senator from Senate District No. 1 and I went to California and met with a California Senator.

We continue to walk the path. It was only a few short weeks ago that I was able to meet with four representatives of the California Legislature here in Carson City, with the Speaker of the Nevada Assembly. We tried to address the issues we are discussing tonight with Senate Bill No. 229. I have been in constant communication with these representatives from California. They were here at the table; they said the reason they were here was because of S.B. No. 271 of the 76th Session. They acknowledged that if we passed Senate Bill No. 229 out of Committee, they would no longer return my calls. I called after Senate Bill No. 229 passed out of Committee
and I have yet to receive a return call. I urge your opposition to this bill because it does more environmental harm than it does good.

Senator Parks:
Thank you, Mr. President. I rise in support of Senate Bill No. 229. I introduced it as a committee bill. I also served on the Tahoe Regional Planning Agency oversight committee for the last three interims. There will always be adversity and differences of opinion regarding Lake Tahoe and the Tahoe Regional Planning Agency. We certainly got the message across in S.B. No. 271 of the 76th Session.

We are seeing things happening that we do not want to have happen and that was why I submitted the bill draft request to rescind S.B. No. 271 of the 76th Session. Realizing California has already moved to have hearings on a bill that would allow them to go their separate way: California Senate Bill 630 having been approved and forwarded to their appropriations committee.

I think we can look at this as a situation where we have made our point and it is time now to move forward with Senate Bill No. 229.

Senator Ford:
Thank you, Mr. President. I was at the hearing for the bill being discussed; the hearing took place at the Committee which I Chair. The vote came out with three in favor and two opposed. It was interesting testimony on all sides. Two things convinced me: (1) I agree with my colleague from Senate District No. 17, that the impetus to get some work done may have been the last bill. Like I said at the hearing, I do not believe that if we rescind or pull out, they will stop talking. I wasn’t persuaded at the hearing in that regard, and I don’t believe so now. (2) Beyond that, something which was very impressive to me is that we are hinging our participation in this compact on something we can’t control—an act of the United States Congress. The only way this will be amended is if Congress acts. We can hardly make ourselves do anything, let alone force Congress to act. It puts us in a perilous situation; we are in a corner we need to get out of. I urge you to support this bill.

Roll call on Senate Bill No. 229:
YEAS—11.

Senate Bill No. 229 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION
April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 498.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 21.
Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 440.
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 440 to Senate Bill No. 21 prohibits certain licensing agencies from renewing licenses, certifications, registrations, permits or other authorizations that grant a person the authority to engage in certain professions or occupations if: (1) the person owes a debt to a State agency which has been assigned to the State Controller for collection; or (2) the person has not provided to those licensing agencies certain information relating to State business licenses. These provisions do not apply to professions or occupations regulated by the Department of Motor Vehicles, the Division of Insurance or local governments.

Amendment No. 440 to Senate Bill No. 21 adds provisions requiring the State Controller to pay the salaries and wages of all State officers and employees through an electronic payment system and removes related duties of the Chief Administrator of the Legislative Counsel Bureau regarding payment of the salaries of Legislators and legislative staff. It also provides that the Controller does not have to refund overpayments to the State of less than $10 unless the Controller receives a timely request in writing.

Amendment adopted.

Senator Parks moved that Senate Bill No. 21 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. 34.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 439.
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 439 to Senate Bill No. 34 adds local government and non-State retirees to the State retiree risk pool, merging formerly separate risk pools into one. The single risk pool will now contain: (1) active and retired State officers and employees and their dependents; (2) active and retired officers and employees of participating local governmental agencies and their dependents; and (3) certain retired officers and employees of nonparticipating local governmental agencies and their dependents.

Amendment adopted.

Senator Parks moved that Senate Bill No. 34 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. 72.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 516.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 516 to Senate Bill No. 72 deletes from the bill all references to “steer tailing” and provisions relating to the use of a cattle prod or similar
electronic device. It clarifies the prohibition against horse tripping is for intentional horse tripping and that no horse tripping event for a charreada or rodeo shall be organized or sponsored, unless such an event is authorized by the local government where the event is held. The amendment revises the definition of “horse tripping” to clarify that horse tripping means intentionally causing a horse to fall. References to the horse losing its balance are deleted. Finally, the amendment clarifies that “horse tripping” does not include the catch and release of a horse.

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

Senate Bill No. 135.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 438.

Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.
Thank you, Mr. President. Amendment No. 438 to Senate Bill No. 135 deletes Sections 14 and 15 of the bill which contained provisions regarding loans to be made by a redevelopment agency. Instead, the amendment includes a new Section 10.5 which creates a revolving loan account in a city whose population is 500,000 or more (currently Las Vegas) to be used to make three-year loans at or below market rate to small businesses located in or interested in relocating to a redevelopment area. A community that maintains such a revolving loan account must provide a report on the account to the Legislative Counsel Bureau by January 1 of each year. Amendment No. 438 to Senate Bill No. 135 adds language requiring a developer to give hiring preference to persons living within a specified neighborhood revitalization area, an area eligible to receive a community development block grant or a Southern Nevada Enterprise Community, as applicable. The amendment deletes language requiring that 10 percent of a proposed incentive to a developer be withheld unless several conditions regarding employment and job creation are met and, instead, requires that a redevelopment agency must withhold the entire incentive until these conditions are met.

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

Senate Bill No. 144.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 437.

Senator Segerblom moved the adoption of the amendment.
Remarks by Senator Segerblom.
Thank you, Mr. President. Amendment No. 437 to Senate Bill No. 144 deletes language allowing an officer under investigation to review administrative and investigative files prior to a hearing. It allows the viewing of video and the listening to audio of the incident. It also deletes language regarding the admissibility in an administrative or civil proceeding of statements made by a peace officer related to the investigation.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 181.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 465.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 465 to Senate Bill No. 181 requires that at least one officer or employee of the organization for which the special permit was issued to be in possession of a valid Nevada fishing license and be present with the persons who are using the special fishing permit. It also strikes existing Nevada Revised Statutes language that prohibits the Nevada Department of Wildlife from issuing more than two special permits per year to each organization. This is a good bill and the amendment makes it better.

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

Senate Bill No. 201.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 257.
Senator Segerblom moved the adoption of the amendment.
Remarks by Senator Segerblom.
Thank you, Mr. President. Amendment No. 257 to Senate Bill No. 201 provides that the Governor may reappoint a retired employee only to a salaried board or commission. No employee may be appointed to the same board or commission from which they retired. No employee may be appointed for one year after their official retirement date. The Public Employees’ Retirement System contributions made by both the employer and the employee remain with Public Employees’ Retirement System.

Amendment adopted.
Senator Smith moved that Senate Bill No. 201 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. 213.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 549.
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.
Thank you, Mr. President. Amendment No. 549 to Senate Bill No. 213 requires that the trap registration required in the bill is valid until the trap or snare is sold. It specifies that any trap registration information maintained by the Nevada Department of Wildlife is deemed confidential unless required to be disclosed by law or a court order. The amendment specifies that traps sold after July 31, 2013, must not bear the seller’s trap registration number, unless the
trap was permanently marked prior to July 31. It provides that a person convicted of possessing a stolen trap or traps with a total value of $650 is guilty of a gross misdemeanor.

Amendment No. 549 to Senate Bill No. 213 provides that stolen traps must be reported by the owner to Nevada Department of Wildlife as soon as possible. It removes all references to “poisoning device” in the bill. It also deletes provisions that would have required the flagging of traps. Finally, the amendment deletes the proposed trap visitation language in Section 5 and instead replaces it with language requiring the Board of Wildlife Commissioners to set the visitation times by regulation.

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

Senate Bill No. 230.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 464.

Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.
Thank you, Mr. President. Amendment No. 464 to Senate Bill No. 230 changes references to “Gold Star Families of Nevada National, Inc.” to “American Legion Department of Nevada, or its successor organization.” It also specifies that the Nevada Veterans Services Commission, instead of the Office of Veterans Services, shall determine the criteria for placing names on the fallen soldiers memorial.

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

Senate Bill No. 301.
Bill read second time.
The following amendment was proposed by the Committee on Revenue and Economic Development:
Amendment No. 560.

Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 560 to Senate Bill No. 301 makes various changes to clarify the duties of the county treasurer and the duties of an assignee to be consistent with the assignment of a tax lien and the removal of provisions related to the sale of a tax lien under current law. The amendment removes a requirement for an assignee to post a bond with the Secretary of State and instead requires the assignee to submit a written statement, under penalty of perjury, that such a bond has been properly posted.

Amendment No. 560 to Senate Bill No. 301 provides that an assignee may not initiate an action to collect delinquent taxes and other amounts owed any sooner than the earliest date on which the county could commence such an action. The amendment provides that a property owner may redeem a tax lien without a prepayment penalty. A relative of the property owner, or the beneficiary or holder of the mortgage, may also obtain the assignment of a tax lien prior to the commencement of an action by the assignee to collect the delinquent taxes and fees.

Finally, Amendment No. 560 to Senate Bill No. 301 deletes the provisions of Section 7324 of Chapter 361 of Nevada Revised Statutes and Section 7328 of Chapter 361 of Nevada Revised Statutes regarding certain duties of the county treasurer to be consistent with the implementation of tax lien assignments and the removal of provisions related to tax lien sales. This act becomes effective on July 1, 2013.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 319.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 488.
Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Thank you, Mr. President. Amendment No. 488 to Senate Bill No. 319 entitles a military spouse to a reduction in the fee for the initial issuance of a license by endorsement. It requires an osteopathic physician to complete at least two hours of continuing education credits in pain management or addiction care biennially. The amendment clarifies the scope of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors concerning the issuance of a license by endorsement to an applicant. It also clarifies the scope of the Board of Examiners for Alcohol, Drug and Gambling Counselors concerning the issuance of a license by endorsement to an applicant.

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

Senate Bill No. 324.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy:
Amendment No. 323.
Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Thank you, Mr. President. Amendment No. 323 to Senate Bill No. 324 adds that a spouse of an active member of the Armed Forces of the United States, who is a qualified licensed health care provider in another state, who is a qualified licensed health care provider in another state, may apply for and receive a license by endorsement to practice their respective profession in Nevada. It clarifies the requirements for authorizing a regulatory body to issue a license by endorsement to an applicant. The amendment clarifies physician oversight for contracted and employed physicians in a medical facility. It requires that a regulatory body, which approves an application and issues a license by endorsement, must issue it not later than 30 days following the receipt by the regulatory body of all necessary background materials and supporting documentation necessary to evaluate the application.

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

Senate Bill No. 346.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 404.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 404 to Senate Bill No. 346 deletes Sections 1 through 5 of the bill, inclusive. It amends Section 1 of the bill to provide a requirement for the Nevada Gaming Commission to adopt regulations governing the acceptance of race book or
sports pool wagers made by certain entities. The amendment provides a new section of the bill that requires the Commission to study and report to the Legislature as to the appropriateness and potential revenue consideration of imposing fees and taxes on the overall amount wagered on race book and sports pool wagers. It provides that the Commission shall adopt the new regulations on or before January 31, 2014.

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

**Senate Bill No. 374.**

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 333.**

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 333 to Senate Bill No. 374 provides for the registration of medical marijuana establishments, rather than nonprofit dispensaries. It provides that the establishments include: (1) cultivation facilities; (2) facilities for the production of edible marijuana products; and (3) medical marijuana dispensaries. It further provides definitions for the terms relating to marijuana establishments.

Amendment No. 303 to Senate Bill No. 374 makes certain requirements for medical marijuana establishments. It revises and adds certain fees, and it revises provisions relating to inspections of the medical marijuana facilities by the Health Division of the Department of Health and Human Services. Finally, the amendment provides that it is a Category E felony to counterfeit or attempt to forge or counterfeit a registry identification card.

Amendment adopted.

Senator Smith moved that Senate Bill No. 374 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. 375.**

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

**Amendment No. 330.**

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 330 to Senate Bill No. 375 relates to voter registration.

Amendment adopted.

Senator Smith moved that Senate Bill No. 375 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. 383.**

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 219

Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 219 to Senate Bill No. 383 revises the various definitions relating to time shares. It provides for a sample public offering statement, instead of a draft public offering statement. It revises certain requirements for time-share plans located outside of the State of Nevada. Amendment No. 219 to Senate Bill No. 383 permits the Real Estate Division of the Department of Business and Industry 60 days, instead of 30 days, to issue an order after receiving an application for a permit to sell a time-share plan with one component site, or 120 days if it contains more than one component site. Finally, it requires the Real Estate Division to renew a permit to sell a time share within 30 days, instead of 45 days, after receiving evidence that any deficiencies in the renewal application have been cured.

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

Senate Bill No. 388
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 418.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 418 to Senate Bill No. 388 provides that the crime of luring a child includes contacting or communicating with the person believed to be a child with the intent to solicit that person to engage in sexual conduct. It also removes the reference to “infamous crime against nature” and replaces it with a reference to “sexual activity.”

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

Senate Bill No. 389
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 417.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 417 to Senate Bill No. 389 deletes the sections of the bill that provide if the servicer does not provide the requested documents within 60 days after receipt of the request or if the documents indicate that the mortgagee or beneficiary of the deed of trust does not have a lien on the single-family dwelling, the owner may bring an action to quiet title against the servicer and the mortgagee or beneficiary of the deed of trust. If the owner prevails in the action, the court is required to issue an order declaring that the owner owns the dwelling free and clear of any lien claimed by the parties to the action and award to the owner actual damages, including reasonable attorney’s fees and costs. Amendment No. 417 to Senate Bill No. 389 provides instead that if the servicer does not provide the requested documents within 60 days of receipt or if the documents indicate that the mortgagee or beneficiary of the deed of trust does not have a recorded interest in or a lien on the single-family dwelling, the owner may report the servicer and the mortgagee or beneficiary of the deed of trust to the Division of Mortgage Lending or the Division of Financial Institutions, whichever is appropriate. The Divisions are authorized to take whatever actions they deem
necessary and proper, including enforcing any applicable laws or regulations or adopting any additional regulations.

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

Senate Bill No. 395.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 416.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 416 to Senate Bill No. 395 deletes all sections of the bill except those relating to the preparation by the Attorney General of a publication of existing laws which impose or authorize collateral consequences of conviction and any provisions of existing law allowing relief from those collateral consequences. It provides a definition for a collateral consequence of conviction.

Amendment adopted.
Senator Smith moved that Senate Bill No. 395 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. 406.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 436.
Senator Smith moved the adoption of the amendment.
Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 436 to Senate Bill No. 406 clarifies that the bill’s prohibition on dedicating Local School Support Tax proceeds to finance a Tourism Improvement District do not apply with respect to any district created before July 1, 2013, if the prohibition would impair an existing bond sale contract for bonds issued prior to that date. It allows a municipality to create a Tourism Improvement District within a redevelopment area, but prohibits the use of financing and reimbursement from both the Tourism Improvement District and the redevelopment area for the same project (in other words, no double dipping).

Amendment No. 436 to Senate Bill No. 406 prohibits a retailer from closing a location within 15 miles of a newly created Tourism Improvement District and relocating to the new Tourism Improvement District within six months of the closure. It requires a Tourism Improvement District project owner, upon request, to provide the Department of Taxation with identifying information for businesses that open or close within the project.

Amendment adopted.
Senator Smith moved that Senate Bill No. 406 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. 407.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 562.
Senator Smith moved the adoption of the amendment.
Remarks by Senator Smith.
Thank you, Mr. President. Amendment No. 562 makes various changes to Senate Bill No. 407 which is a comprehensive bill concerning the teacher evaluation system. Amendment No. 562 allows the board of trustees of a school district to opt out of the delayed implementation specified in the bill based on certain provisions. It provides that pupil achievement data must not be used in the evaluation of a probationary employee for the first year of an employee’s probationary period. The amendment allows for peer reviewers to conduct evaluations, including collecting data. It also makes an appropriation of $1,315,000 for the second year of the Biennium to the Interim Finance Committee for distribution to the school districts that serve as fiscal agents for the Regional Training Programs. Finally, it includes a piece about a validation study of the four-tier evaluation system.
Amendment adopted.
Senator Smith moved that Senate Bill No. 407 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. 416.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 419.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 419 to Senate Bill No. 416 revises Section 4, Subsection 2 of the bill to read “Subsection 1, 2 or 5 of NRS 463.0177” instead of “Subsection 1 or 2 of NRS 463.0177.” This change authorizes a mobile gaming licensee to obtain a sports book license at an establishment, which is currently authorized by the Nevada Gaming Commission. It requires the Gaming Policy Committee to study issues regarding the compliance of certain establishments with a restricted gaming license with the provisions of this measure and submit a report of findings to the Nevada Gaming Commission and the State Gaming Control Board.
Amendment adopted.
Senator Smith moved that Senate Bill No. 416 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. 418.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 425.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 425 to Senate Bill No. 418 replaces the provisions of the bill in Nevada Revised Statutes, Chapter 465 – Licensing and Control of Gaming, instead of Chapter 464 – Pari-Mutuel Wagering. It also revises the effective date of the measure to be upon passage and approval for purposes of adopting regulations and on January 1, 2014, for all other purposes.

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

Senate Bill No. 433.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 555.
Senator Ford moved the adoption of the amendment.
Remarks by Senator Ford.
Thank you, Mr. President. Amendment No. 555 to Senate Bill No. 433 amends the bill to require the State Department of Agriculture to adopt regulations on or before January 1, 2014, requiring the placement of a label on any fuel pump for motor vehicles that draws fuel containing manganese or any manganese compound, including methylcyclopentadienyl manganese tricarbonyl or “MMT.” The amendment sets forth certain minimum requirements for the size and wording of the label. It also requires a person other than a fuel retailer who sells motor vehicle fuel containing manganese or methylcyclopentadienyl manganese tricarbonyl to provide documentation to the purchaser stating that the fuel contains manganese or methylcyclopentadienyl manganese tricarbonyl and stating the volume of the compound.

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

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Senate Bill No. 498 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.
Motion carried.

SECOND READING AND AMENDMENT
Senate Bill No. 501.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 559.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 559 to Senate Bill No. 501 clarifies the measure’s intent to allow the Health Division’s licensure process for a facility currently licensed pursuant to Chapter 449 of Nevada Revised Statutes to also make the facility eligible to receive State and federal money for alcohol and drug abuse programs. It clarifies that the Health Division’s role only applies to detoxification technicians and the facilities in which programs are delivered, and not to programs. Amendment No. 559 to Senate Bill No. 501 requires any facility that is not licensed pursuant to Chapter 449 of Nevada Revised Statutes to be certified by the Health Division in order to receive State and federal money for alcohol and drug abuse programs. It clarifies the definition of certain facilities and the type of facilities relevant to
provisions of the measure. Finally, the amendment repeals Section 110 of Chapter 62A, Section 50 of Chapter 484C and Section 310 of Chapter 484C of *Nevada Revised Statutes* which relate to evaluation centers and all related terms.

Amendment adopted.

Senator Smith moved that Senate Bill No. 501 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

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 Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Jan Kieckhefer; and also to the students and chaperones from Galena High School.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to the students from George Whittell High School: Elizabeth Anderson, Alex Barnes, Tristan Beckwith, Steven Beelar, Zoe Bertz, Brittany Boulet, Spenser Buchholz, Danica Bunnett, Mercy Crace Darlucio, Margaret Dean, Margaret Elias, Hailey Elliott, Matthew Elliott, Kendal Ferris, Marcus Foerschler, Sterling Freeman, Ana Fuller-Wilmarth, Kay Henderson, Casey Huber, Tori Jimenez, Charles Jurzenski, Serena Libert, Iran Manzano, Nolan Marquez, Gianna Miller, Cameron Nye, Joshua Peterson, Laurie Petty, Kevin Preciado-Estrada, Veronica Rodriguez, Robert Rupp Jr., Dominick Seminerio, Jennifer Shepack, Skylar Smith, Dillon Stetler, Jonathan Verbeten, Mark Waite and Jacob Washalefsky.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Cathy Erskine, Lauren Dennison and Bridget Zunino-Dennison; and also to the students and chaperones from Hug High School; students: Oscar Adame, Alejandro Ayala, Robyn Bailey, Elizabeth Barajas, Anthony Barrera-Monroy, Mary Joy Beltejar, Kadi Campagna, Aljeron Colis, Nick Dunkle, Guinevere Foldi, Cara Freybargar Moore, Alexis Gallardo Del Valle, Alberto Garcia, Hannah Gebensleben, Dylan Lopez, Diana Martinez, Yezenia Olivera, Ayrhianna Paulin, Edgardo Rodriguez, Joanna Perez, Frida Ponce, Christian Vasquez and Shanelle Wright; and chaperones: Scott Barclay and Mario Fitzpatrick.

Senator Denis moved that the Senate adjourn until Tuesday, April 23, 2013, at 11:30 a.m.

Motion carried.
Senate adjourned at 11:24 p.m.

Approved:  BRIAN K. KROLICKI

President of the Senate

Attest:  DAVID A. BYERMAN

Secretary of the Senate