Senate called to order at 12:52 p.m.
President Krolicki presiding.
Roll called.
All present.

AUM BHUR BHUYAH SVAH, TAT SVITUR VARENYM BHARGO DEVASYA DHIMAHI DHIVO YO NAH PRACHODAYAT. SVABA.

IN ENGLISH:
O Almighty God! Thou art our dearest life and breath. Keep us away from evil intentions and physical sufferings. O Omnipotent God! Kindly lead us to light and direct our intellect to virtuous path so we may attain not only physical progress but also the ultimate emancipation.

AUM DYAUV SHANTIR ANTARIKSHAM SHANTI HH PRITHIVIH SHANTIR APAH SHANTIR OSHADHAYAH SHANTIY VANASATAYAH SHANTIR VISHVVEDVAH SHANTIR BRAHMA SHANTI SHARVA SHANTI SHANTI REVA SHANTI SAMA SHANTI REDHI.

IN ENGLISH:
O Almighty God, may the starry region be peaceful for all. May the atmospheric region be peaceful for all. May the Earth be peaceful for all. May the water be peaceful for all. May the herbs be peaceful for all. May the plants be peaceful for all. May the natural forces and the learned men be peaceful for all. May the supreme Lord be peaceful for all. May the Universe be peaceful for all. May the peace—only the peace—prevail everywhere. May that peace be for us. Om, peace, peace, peace, Om.

NAMASTE. I BOW TO THE DIVINE LIGHT IN YOU.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.
Mr. President:
Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bill Nos. 73, 326 and 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
Also, your Committee on Commerce, Labor and Energy, to which were referred Assembly Bill Nos. 86 and 306, 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 Finance, to which were re-referred Senate Bill Nos. 142 and 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, Chair

Mr. President:
Your Committee on Health and Human Services, to which were referred Assembly Bill Nos. 8 and 200, 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 Assembly Bill Nos. 10, 54, 64, 84, 97, 156, 202, 233 and 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, Chair

Mr. President:
Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 35, 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

MESSAGES FROM THE ASSEMBLY
ASSEMBLY CHAMBER, Carson City, May 18, 2013

To the Honorable the Senate:
I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 97, 98, 102, 103, 104, 105, 108, 110, 114, 117, 127, 130, 136, 140, 148, 153, 154, 157, 158, 159, 163, 175, 189, 215, 216, 227, 264, 268, 272, 274, 278.
Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 344.
Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 122, Amendment No. 619; Senate Bill No. 125, Amendments Nos. 608, 672, and respectfully requests your honorable body to concur in said amendments.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

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

Senate in recess at 1:10 p.m.
SENATE IN SESSION

At 1:18 p.m.
President Krolicki presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that all Senate and Assembly bills just reported out of committee be placed on Second Reading for this legislative day.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE
Assembly Bill No. 344.
Senator Smith moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

SECOND READING AND AMENDMENT
Assembly Bill No. 8.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services.
Amendment No. 634.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 634 to Assembly Bill No. 8 reenacts the provision for the Children’s Health Insurance Program regarding the timeline for notifying an applicant that their application was denied and the process for appealing the decision. Thank you.

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

Assembly Bill No. 10.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
Amendment No. 628.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 628 to Assembly Bill No. 10 removes the words “either solely or in conjunction with others” to clarify that it is unlawful for any person to use, possess with the intent to use, or assist another person in using or possessing with the intent to use, certain devices to obtain an advantage at playing any game in a licensed gaming establishment. Thank you.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Assembly Bill No. 35.
Bill read second time.
The following amendment was proposed by the Committee Legislative Operations and Elections.
Amendment No. 668.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.
Thank you, Mr. President. Assembly Bill No. 35 is related to and overlaps changes to election and campaign finance laws and Assembly Bill No. 48. Both bills eliminate redundant provisions and add definitions to clarify campaign finance reporting obligations. Thank you.

Motion lost on a division of the house.
Bill read second time and ordered 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 1:25 p.m.

SENATE IN SESSION
At 1:32 p.m.
President Krolicki presiding.
Quorum present.

Senator Kieckhefer moved that the vote whereby the Amendment No. 668 to Assembly Bill No. 35 was lost be reconsidered.
Motion carried.

Senator Spearman moved the adoption of the amendment No. 668 to Assembly Bill No. 35.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
Amendment No. 735.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 735 to Assembly Bill No. 54 revises the fee for preparing any copy of any record, proceeding or paper for each page from $1.00 to $.50. Thank you.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Assembly Bill No. 64.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
Amendment No. 636.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 636 to Assembly Bill No. 64 revises the effective date of the measure to be upon passage and approval instead of October 1, 2013. Thank you.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 73.
Bill read second time and ordered to third reading.

Assembly Bill No. 84.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
Amendment No. 626.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. Amendment No. 626 to Assembly Bill No. 84 deletes section 1 of the bill. It retains the existing prohibitions in Nevada Revised Statutes which make it permissive for a court to establish a program for the treatment of veterans and members of the military who suffer from alcohol or drug abuse, mental illness or post-traumatic stress disorder. Thank you.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.
Amendment No. 650.
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.
Thank you, Mr. President. Amendment No. 650 to Assembly Bill No. 86 makes four changes: (1) requires the State Contractors’ Board to notify a contractor who fails to meet certain requirements as soon as practicable, but not more than three business days; (2) requires a contractor to provide proof, within 30 days after the date of the notice sent by the State Contractors’ Board, that the contractor has satisfied the judgment reported to the State Contractors’ Board; (3) requires the Office of the Labor Commissioner and the State Public Works Board to add the name of a contractor on the list of contractors who are disqualified or not prequalified to bid on public works as soon as practicable, but not more than three business days; and (4) requires the Administrator of the Employment Security Division to notify the State Contractors’ Board on any contractor against whom a duly filed judgment has been obtained for failure to pay contributions to the Unemployment Compensation Fund. Thank you.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Assembly Bill No. 97.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
**Amendment No. 625.**
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. **Amendment No. 625** to Assembly Bill No. 97 clarifies that unless an agreement of the parties provides otherwise, the count must be filed not less than two days before the start of the trial on the primary offense. Thank you.

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

Assembly Bill No. 156.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
**Amendment No. 638.**
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.
Thank you, Mr. President. **Amendment No. 638** to Assembly Bill No. 156 provides for a person to petition the court for the sealing of all records any time ten years after the arrest, if the prosecuting attorney declined to prosecute the charges. Thank you.

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

Assembly Bill No. 200.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services.
**Amendment No. 633.**
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. **Amendment No. 633** to Assembly Bill No. 200 removes the provision that would have required farms to obtain from each guest at a farm-to-fork events a signed acknowledgement that they received notice that no inspection was conducted by a State or local health department of the farm or the food to be consumed, with minor exceptions outlined in the measure. The measure also removes the provision that added a farm that manufactures or prepares certain food items for sale from the list of entities that are excluded from the definition of “food establishment” (sections 4 and 5(2)h). Thank you.

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

Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
**Amendment No. 673.**
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 673 to Assembly Bill No. 202 adds one member to the task force who is a director of juvenile services. It also revises the effective date of section 1 from October 1, 2013 to October 1, 2014. Thank you.

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

Assembly Bill No. 233.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
Amendment No. 605.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 605 to Assembly Bill No. 233 expands the provisions of the bill to apply to persons convicted of any felony, not only A and B felonies. The amendment deletes the requirement for a person to be under sentence for a conviction to file a petition requesting genetic marker analysis. It also provides that if a court orders a genetic marker analysis, the State may appeal the order to the Supreme Court. Thank you.

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

Assembly Bill No. 262.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary.
Amendment No. 639.
Senator Kihuen moved the adoption of the amendment.
Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 639 to Assembly Bill No. 262 deletes the provision that a court may only order reasonable fees of counsel and experts, and other costs of the action, if the fees and costs are in issue under the pleadings. Thank you.

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

Assembly Bill No. 306.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.
Amendment No. 652.
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 652 to Assembly Bill No. 306 clarifies that an expert witness or consultant retained by an attorney for litigation or a trial, or in anticipation of litigation or a trial, is not required to be licensed as a private investigator when performing duties and tasks within his or her field of expertise that are necessary to form his or her opinion. Thank you.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.
Bill read second time and ordered to third reading.

Assembly Bill No. 341.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 44.
Bill read third time.
Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 44 revises the statutory submission process for requesting a grant or loan from the State Disaster Relief Account. Specifically, the bill requires the requestor to submit a written notice of intent for request within 60 days of the disaster to the Division of Emergency Management. Within 10 working days of receiving the notice, Division of Emergency Management must provide a copy of the notice to the State Board of Examiners and the Fiscal Analysis Division of the Legislative Counsel Bureau. The bill further requires the Division of Emergency Management and the Department of Taxation to review the request within 60 days, and send a written report to the State Board of Examiners and the Legislative Counsel Bureau summarizing their findings and recommendations regarding the request. The bill also expands the purposes for which monies in the State Disaster Relief Account may be granted, to include projects to mitigate the likelihood of a similar disaster in the future. Additionally, the bill removes the limitation that funds from the State Disaster Relief Account can be used as matching funds to obtain a grant from a federal “disaster assistance” agency, with the result that money granted or loaned from the Account can be used to match a grant from any federal agency. The bill becomes effective on July 1, 2013. Thank you.

Roll call on Senate Bill No. 44:
YEAS—21.
NAYS—None.

Senate Bill No. 44 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 142.
Bill read third time.
The following amendment was proposed by the Finance.
Amendment No. 705.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 705 to Senate Bill No. 142 authorizes the Office of Energy to provide local governments with support relating to cost savings measures under certain circumstances. It also authorizes the Office of Energy to charge and collect fees relating to such support for school districts. It creates an account that will be used to implement the provisions as well. Thank you.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

**Senate Bill No. 303.**

Bill read third time.

Remarks by Senators Denis, Cegavske, Kihuen, Hutchison, Gustavson and Hardy.

**SENATOR DENIS:**

Thank you, Mr. President. **Senate Bill No. 303** provides for the issuance of driver authorization cards. This bill sets forth the requirements for the application for driver authorization cards and alternative requirements for the application for instruction permits and establishes the information that must be included in such applications. The bill explicitly establishes the type of documentation required that must be furnished by every applicant for proof of his or her name, age and residency in the State. The driver authorization cards expire one year after issuance or renewal, at which time proof of residency is required.

This bill prohibits the Director of the Department of Motor Vehicles from releasing any information from the files and records of the Department of Motor Vehicles relating to legal presence or any other information relating to, or describing, immigration status, nationality or citizenship to any person or federal, State or local government entity for any purpose for the enforcement of immigration laws. As stipulated in the bill, the driver authorization card is not for federal or State identification purposes, and only authorizes the holder to drive. A driver authorization card cannot be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions. Fees will be collected for the issuance of the driver authorization card which will help to offset the one-time and ongoing costs to the Department of Motor Vehicles for implementing the program. Revenues projected from the issuance of the driver authorization card include the driver authorization card annual fee of $18.50, the initial test fee totaling $25 and re-test fees totaling $10. It is projected that 60,000 driver authorization cards will be issued which will generate Highway Fund revenue funds of approximately $1.4 million in fiscal year 2014 and $2 million for fiscal year 2015.

The bill includes appropriations from the Highway Fund for a one-time ongoing cost to develop and issue the driver authorization cards totaling $739,110 in fiscal year 2014 and $893,852 in fiscal year 2015. The provisions providing the appropriation from the Highway Fund are effective on July 1, 2013. All other provisions are effective upon passage and approval for purposes of adopting regulations and performing any other preparatory and administrative tasks that are necessary to carry out the provisions of this act. For all other purposes, the bill is effective on January 1, 2014.

We have worked hard on **Senate Bill No. 303.** We have tried to work together. It is a bill that will bring safer roads and additional revenue to the Highway Fund. It is an important bill and I urge your support. Thank you.

**SENATOR CEGAVSKE:**

Thank you, Mr. President. I would like to thank the Senator from Senate District No. 2. It meant a lot to include every one of us in the Senate on this bill. I thank you for that. We were all invited to meetings. You brought the good Senator from Utah here to meet with us; I have served with him on national committees and I have a lot of respect for him. It went a long way, in my opinion, to have someone who has been doing a program like this for several years, as they have in Utah. We were able to look at the pros and cons of the Utah program.

I thank you for bringing this forward. It is an issue that is bipartisan. Thank you again for including all of us and for listening to our concerns. Amendments were crafted to reflect those discussions so we can all support it. Thank you.
SENATOR KIHUEN:
Thank you, Mr. President. I rise in strong support of Senate Bill No. 303. I, too, want to commend my colleague from Senate District No. 2 for all of his tireless work on this bill. We started working on this bill approximately four years ago. I am glad to see it now come to a vote here in the Senate.

As all of you know, I serve as the Chair of the Senate Committee on Revenue and Economic Development, the committee tasked with raising the revenue needed to properly fund our State’s needs. Senate Bill No. 303 will bring in new revenue at a time when we desperately need it. We have over 100,000 undocumented people in Nevada who could benefit from this proposed bill. This could mean millions of dollars in revenue and a much-needed stimulus to our economy. People will pay for a permit who will then go out and purchase a car, purchase insurance, drive to the store, take road trips, more easily find a job since they won’t have to rely on public transportation, and have more money to spend.

Furthermore, this bill is simply about public safety. Denying driver privilege cards to the undocumented population, jeopardizes public safety and drives up insurance rates. According to a study done by the National Immigration Law Center, unlicensed drivers make our roads more dangerous. The AAA Foundation for Traffic Safety describes unlicensed drivers as among the worst drivers on the road. They found that unlicensed drivers are almost five times more likely to be in a fatal crash than a validly licensed driver. More than 14 percent of all accidents are caused by uninsured drivers, costing more than $4.1 billion in insurance losses per year. This means that licensed drivers must pay higher premiums for accidents and injuries caused by unlicensed drivers. An Illinois study estimated that the average additional auto insurance policy cost per person due to accidents caused by unlicensed and uninsured immigrant drivers is $160.90 per year.

Lastly, four of the six states that provide licenses or permits to undocumented immigrants fall below the national average for uninsured motorists. Due to a 2003 New Mexico law that allowed undocumented immigrants to obtain driver’s licenses, the uninsured rate in the state dropped from 33 percent in 2002 to 10.6 percent in 2007. When Utah changed its policy in 1999, Utah’s uninsured rate dropped from 10 percent in 1998 to 6.34 percent in 2004. When New York was considering allowing undocumented immigrants to obtain driver’s licenses, the State Department of Insurance estimated that the expanded license access would reduce the premium costs associated with uninsured motorist coverage by 34 percent, which would have saved New York drivers $120 million each year.

For these reasons, I urge this Body’s support. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. I am likewise thankful for my friend and colleague from Senate District No. 2. Early during this Session we spoke, and I also spoke with law enforcement which is strongly in favor of this bill as a public safety measure. It makes a lot of sense to me. The bill has been legally tested in other states including Utah; we have the benefit of following and understanding their model. After its implementation, there is wide bipartisan support in Utah for this type of measure. There should be wide bipartisan support from an insurance perspective, to ensure we protect those who are on the roads in Nevada.

At one time, this bill seemed to intersect with the immigration debate; I have made my views known on that topic to this Body previously. This bill does not change, in any way, the immigration status of anyone. That subject can be addressed in other proceedings. The bill makes a lot of sense from a public safety standpoint, makes a lot of sense from an insurance standpoint and it makes a lot of sense from the standpoint of benefitting those who will have an opportunity to drive to work, take children to school and drive more safely on the streets of Nevada. I am in strong support of Senate Bill No. 303. Thank you.

SENATOR GUSTAVSON:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 303. First of all, I would like to say that I agree with many portions of this bill. I do believe everyone should have insurance who is driving on our highways. I believe it is a public safety issue.
I also have a lot of constituents who overwhelmingly disagree with this bill, and I am here to represent them. The last amendment to the bill removed from Section 4, subsection 5, some issues that were initially on the bill to include information stating “not for federal or state identification purposes and only authorizes the holder to drive.” This was removed, and it is one of the reasons I am not supporting the bill. Thank you.

SENATOR DENIS:
Thank you, Mr. President. I would like to clarify that the reason the last amendment made the changes described by my colleague from Senate District No. 14 was because we are waiting for the federal government to give us an actual statement of what exact language needs to go on the cards. It will either say, “for federal identification purposes,” or it is going to say “not for identification purposes.” Because we did not have that clarification from the federal agency that does it, we opted to let the State Department of Motor Vehicles add that language. It is required under the REAL ID Act, but this bill grants the flexibility of moving the bill forward and allowing the Department of Motor Vehicles to label it as needed. Thank you.

SENATOR HARDY:
Thank you, Mr. President. I rise in support of Senate Bill No. 303. One of the issues that this bill corrects is the protection of jobs. People who are undocumented, research has shown, this will allow them to be safe. The reality is they are here with us and working with and for us. There are insurance issues and training issues too. The protection of jobs is most critical, to let people live without fear of having to be deported on their way to work. I think it will be a critical part of the economy of our State.

I would like to thank the sponsor of the bill for allowing me to participate on this bill. Thank you.

Roll call on Senate Bill No. 303:
YEAS—20.
NAYS—Gustavson.

Senate Bill No. 303 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 416.
Bill read third time.
The following amendment was proposed by the Finance.
Amendment No. 704.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 704 to Senate Bill No. 416 removes the Interim study and the appropriation that was amended into this bill. Thank you.

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

Senate Bill No. 423.
Bill read third time.
Remarks by Senator Cegavske.
Thank you, Mr. President. Senate Bill No. 423 requires the Director of the Nevada Department of Corrections to provide a photo identification card to an offender upon their release, if the offender is currently eligible to acquire a valid driver’s license or identification
card by the Department of Motor Vehicles, and if the offender requests an identification card from the Department of Corrections. Section 860 of Chapter 483 of Nevada Revised Statutes requires an applicant for a Nevada identification card to provide proof of their legal name and age. Senate Bill No. 423 expands section 860 of Chapter 483 of Nevada Revised Statutes to include a photo identification card issued by the Department of Corrections as proof of an individual’s identification. The bill becomes effective upon passage and approval for preparatory administrative tasks necessary to carry out Senate Bill No. 423. All other provisions identified in the bill become effective January 1, 2014.

Thank you.

Roll call on Senate Bill No. 423:
YEAS—21.
NAYS—None.

Senate Bill No. 423 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Senate Bill No. 463 and Assembly Bill Nos. 48, 60 and 487 be taken from the General File and placed at the top of the General File for the next legislative day.
Motion carried.

Senator Smith moved that Assembly Bill Nos. 147 and 377 be taken from the General File and placed on the Secretary’s Desk.
Motion carried.

GENERAL FILE AND THIRD READING
Senate Bill No. 466.
Bill read third time.
Remarks by Senator Roberson.
Thank you, Mr. President. Senate Bill No. 466 as amended, transfers authority over certain food and nutrition education and assistance programs from the Department of Education to the Director of the State Department of Agriculture. The passage of the bill is required to implement the Nutrition Education Programs budget as closed by the money committees. This act becomes effective on July 1, 2013.

Thank you,

Roll call on Senate Bill No. 466:
YEAS—21.
NAYS—None.

Senate Bill No. 466 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 469.
Bill read third time.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Senate Bill No. 469 transfers the State Dairy Commission from the Department of Business and Industry to the Department of Agriculture. It also authorizes the
Director of the Department of Agriculture to appoint the Manager of Operations of the Commission to serve as Executive Director and Secretary of the Dairy Commission. The bill enacts recommendations included in the Executive Budget and is effective on July 1, 2013. Thank you.

Roll call on Senate Bill No. 469:
YEAS—21.
NAYS—None.

Senate Bill No. 469 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 471.
Bill read third time.
Remarks by Senator Denis.
Thank you, Mr. President. Senate Bill No. 471 transfers the responsibility for managing the Account for Charter Schools from the Department of Education to the State Public Charter School Authority. Pursuant to statute, the Account for Charter Schools is a revolving loan account, the money in which may only be used to make loans at or below market rate to new and existing charter schools. The measure further specifies that a loan made to a charter school from the Account for Charter Schools must not exceed the lesser of an amount equal to $500 per pupil enrolled or proposed to be enrolled in the school, or $200,000. The passage of the bill is required to implement the Public Charter School Loan Program budget as recommended by the Governor. This act becomes effective upon passage and approval. Thank you.

Roll call on Senate Bill No. 471:
YEAS—21.
NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 490.
Bill read third time.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Senate Bill No. 490 transfers the Supplemental Food Program, also known as the Commodity Food Program, from the Department of Administration to the Department of Agriculture. It also repeals language related to the Commodity Food Program from Chapter 333 of Nevada Revised Statutes and adds this language in Chapter 561 of Nevada Revised Statutes. The bill enacts recommendations included in the Executive Budget and is effective on July 1, 2013. Thank you.

Roll call on Senate Bill No. 490:
YEAS—21.
NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Bill read third time.

Remarks by Senators Kieckhefer, Cegavske, Hutchison, Jones, Brower, Segerblom and Gustavson.

SENATOR KIECKHEFER:
Thank you, Mr. President. Senate Joint Resolution No. 14 of the 76th Session proposes an amendment to the Nevada Constitution to create an intermediate appellate court, known as the Court of Appeals. The creation of the Court of Appeals is contingent upon approval of the resolution by the 2013 Legislature and ratification by the voters at the election on November 5, 2014. If approved, the jurisdiction and review of the Court of Appeals would be set by the Nevada Supreme Court. Senate Bill No. 463 of the 77th Session is the enabling legislation to implement the Court of Appeals pursuant to Senate Joint Resolution No. 14 of the 76th Session.

This is a *mea culpa* moment for me, I voted against Senate Joint Resolution No. 14 of the 76th Session two years ago at this time. Since then, I have learned a lot more of the burden that is currently on the Nevada Supreme Court. The caseload that they face on a daily basis is overwhelming and that backlog creates a significant delay on the administration of justice in our State. This is a significant problem that is bad for people and bad for business. I think that going back to the voters and asking their reconsideration of this issue is wise at this time. Despite my vote against this resolution two years ago, I will be supporting it now and I encourage my colleagues to do the same. Thank you.

SENATOR CEGAVSKE:
Thank you, Mr. President. I appreciate the opportunity to ask a few questions. I sat on the Legislative Commission’s Subcommittee to Study the Benefits, Costs, and Feasibility of the Implementation of Courts of Chancery (Business Court Interim Study) during the 2007-2008 Interim and we were discussing many of these issues. I remember the Committee recommended the creation of a business court and I do not think anything has come of that though. I do have a question with that. What I am concerned with this legislation is that are small businesses going to be allowed to have the same access as everybody else? That is the concern that I had with the Business Court Interim Study recommendation where it looked like the system was just for only those who were financially able to have their cases heard and those small business would be unable to gain the same level of access. If someone from the Senate Committee on Judiciary would address these questions, I would appreciate it. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. I appreciate the questions of my colleague from Senate District No. 8, and I am happy to answer them. The primary benefit that this Court of Appeals will have on small businesses is that there will be an acceleration of the pace in which cases are decided by the courts. Currently, what happens is that no matter what size case, a business or an individual has whether large, small or intermediate—if they want to appeal from a district court decision from which they do not agree—the case must proceed to the Nevada Supreme Court. But the Nevada Supreme Court has such a crushing caseload that cases are often delayed. If we had an intermediate court, those cases can be addressed more quickly. Thus, cases can be resolved much more quickly and much more satisfactorily for business owners than they are currently resolved. If there are any cases with significant policy issues that need to be resolved then those cases can be brought to the Nevada Supreme Court. But I think the intermediate level court can provide quicker access and more meaningful access to small businesses as well as individuals to address the cases that they have within the legal system. It is just becoming difficult for small business owners and individuals to attain appellate resolution because it takes so long and is, consequently, so expensive.

I support Senate Joint Resolution No. 14 of the 76th Session as somebody, who like many of my colleagues, practice regularly in our district courts we see the crushing caseload that I referred to previously at the Nevada Supreme Court. By Fiscal Year 2015, it is estimated that there will be over 3,300 cases at the Nevada Supreme Court; this matter will go before the voters
in 2014. One of the things the Nevada Supreme Court has tried to do with the potential implementation is to use existing facilities and staff to cut down on the economic and financial burden of full implementation. We know the old adage, *justice delayed is justice denied*. We are beginning to see that more and more with the crushing caseload. I encourage my colleagues to support Senate Joint Resolution No. 14 of the 76th Session. Thank you.

**Senator Jones:**

Thank you, Mr. President. I rise in strong support of Senate Joint Resolution No. 14 of the 76th Session. To respond further to my colleague from Senate District No. 8, the structure of this resolution is such that the Nevada Supreme Court will determine which cases are pushed down to the appellate court. I think that should resolve your concerns. I appreciate the comments of my colleague from Senate District No. 6 and I join with him on what he said.

I want to note that, as a State, we are trying to market ourselves as an alternative to Delaware for bringing corporations to register in our State. However, we cannot get there and be a leader in representing businesses and being a haven for business if we do not have an appellate court. We are one of a very small minority of states in the nation that do not have an intermediate appellate court and it is time for our State to grow up and provide that type of a resource for those who are litigating in our courts.

We need to move forward. I know that we have had this on the ballot before and there was, frankly, not a very strong effort on behalf of the legal community to press the constitutional amendment forward; it unfortunately lost by a narrow percentage. But now we have a commitment from the Nevada Supreme Court, the State Bar of Nevada—and the Litigation Section of the State Bar of Nevada, that my colleague from Senate District No. 6 and I sit on—to raise the funds that are necessary to get the word out to the community about this bill, and why it is important for us to have an intermediate appellate court. I strongly urge my colleagues to support Senate Joint Resolution No. 14 of the 76th Session. Thank you.

**Senator Brower:**

Thank you, Mr. President. I just want to echo briefly the comments of the previous speakers and the fellow members of the State Bar of Nevada. When companies are looking at whether Nevada is the place they should be located, they look at our substantive laws to see if they are business friendly but they also look at the type of court system that we have. As has been mentioned, right now we have a court system that is overloaded. Every single appeal—criminal, civil and otherwise—would have to go to the Nevada Supreme Court. This would allow the Court to create a system that is much more efficient, and as a result would be much more attractive to business in our State and those thinking about moving to our State. I also want to mention the failed effort from a couple of years ago. I do think that if the voters do get another chance to think about the points that are being made today and why it is important for our state to further develop our judicial system, the voters will understand that this is the right thing to do and I support giving the voters another chance. I do support Senate Joint Resolution No. 14 of the 76th Session. Thank you.

**Senator Cegavske:**

Thank you, Mr. President. I am struggling with Senate Joint Resolution No. 14 of the 76th Session. I understand the comments from my colleagues. The one issue that did not get an answer is what would be the difference if we had a business court rather than an appellate court? My colleague from Senate District No. 9 did mention that the people voted down the creation of an appellate court during the last election. I am also grappling with the cost of implementation. Will all of the cost be raised? What will the cost be for the State? I have not heard that addressed yet. Thank you.

**Senator Segerblom:**

Thank you, Mr. President. First, I want the Body to know that we already have business courts in both Las Vegas and in Reno; we have addressed that issue. Therefore, the question is on the appeal: the problem right now is that our Supreme Court takes all of the cases; they really do not have the ability to focus in on the few important business decisions. That is what this
intermediate court will allow us to do. It will take all of the cases that are not that important and send them down to the intermediate court so that the Nevada Supreme Court can start to issue a body of law on business cases that come from our business courts that we already have.

As far as the cost goes, there will be a cost of several hundred thousand dollars but if that means an appeal will take six months instead of three years, what is the cost to that? So it is very efficient, the money will actually come out of the court system, it will not come out of the General Fund. I do not remember what the third question was from my colleague from Senate District No. 8 but I think that this resolution is very important. Once this passes the Legislature, I urge all of my colleagues to go to their communities and the people of Nevada that we have to come out of the dark ages and become modern State. We need to have a court system that functions, where we have an intermediate court that deals with appeals that are not that important so our Supreme Court can be the ultimate arbiter and make clear decisions in important cases. Thank you.

**Senator Gustavson:**
Thank you, Mr. President. I too have been really struggling with this bill. I did vote against it two years ago in the 2011 legislative session. I understand all of the arguments in support and I agree with most of them. However, I really am struggling with developing another level of court and bureaucracy, yet I know it might be helpful to the people. I am going to support Senate Joint Resolution No. 14 of the 76th Session to let it go to the people in November of 2014 and let them decide. Thank you.

Roll call on Senate Joint Resolution No. 14 of the 76th Legislative Session:
YEAS—21.
NAYS—None.

Senate Joint Resolution No. 14 of the 76th Legislative Session having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

**Assembly Bill No. 2.**
Bill read third time.
Remarks by Senator Settelmeyer.
Thank you, Mr. President. Assembly Bill No. 2 makes various changes to provisions governing the Land Use Planning Advisory Council. It specifies that the Governor’s appointments to the Council will represent each county based on nominations provided by the boards of county commissioners of the counties. In addition to 17 voting members appointed by the Governor, the bill provides that one nonvoting member will be appointed to the Council by the Nevada Association of Counties. The bill further provides that Council members who are also county commissioners may be appointed by the Governor to one other board, commission, or similar body. Provisions of the bill concerning the expiration of current Council members’ terms and the nomination and appointment of voting members to initial terms are effective on July 1, 2013. Other provisions of the bill are effective on January 1, 2014. Thank you.

Roll call on Assembly Bill No. 2:
YEAS—21.
NAYS—None.

Assembly Bill No. 2 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Assembly Bill No. 11.
Bill read third time.
Remarks by Senator Hutchison.
Thank you, Mr. President. Assembly Bill No. 11 narrows the scope of written reports required to be filed with the Division of Industrial Relations by insurers concerning claims for certain occupational diseases by requiring that only claims made by firefighters, police officers, arson investigators or emergency medical attendants are required to be reported. Thank you.

Roll call on Assembly Bill No. 11:
YEAS—21.
NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 17.
Bill read third time.
Remarks by Senator Ford.
Thank you, Mr. President. Assembly Bill No. 17 revises provisions governing the exclusion of a school district employee from a facility or institution operated by the Department of Corrections in conjunction with the statewide program of education for incarcerated persons. The bill allows the Director of the Department of Corrections, upon good cause, to restrict a teacher’s access to a correctional facility, for up to 30 days, while the teacher’s case is being heard by an interagency panel. The bill further clarifies that “good cause” cannot include disagreements that the Director may have regarding course content, but may include issues related to health and safety in a correctional facility. It also requires the Director to take steps to protect the health and safety of school district employees working in a correctional facility or institution. This bill is effective upon passage and approval. Thank you.

Roll call on Assembly Bill No. 17:
YEAS—21.
NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 19.
Bill read third time.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Assembly Bill No. 19 abolishes the State Advisory Board of Trustees for the Trust Relating to the Fairground and transfers the duties of that Board to the Nevada Junior Livestock Show Board. The bill also adds a representative from the Reno Rodeo Association to the Nevada Junior Livestock Show Board. Testimony indicated that the State Advisory Board of Trustees for the Trust Relating to the Fairground was created in 1981 and has never met. This bill is effective upon passage and approval. Thank you.

Roll call on Assembly Bill No. 19:
YEAS—21.
NAYS—None.
Assembly Bill No. 19 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 23.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Assembly Bill No. 23 clarifies that a provider of services related to the sale, installation and occupancy of a manufactured home includes any person who provides such a service, regardless of whether the manufactured home is new or used. I urge passage of this bill. Thank you.

Roll call on Assembly Bill No. 23:
YEAS—21.
NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 25.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 25 provides that a designee of a board of county commissioners or of the governing body of a city may impose a special assessment for the costs of abatement and civil penalties related to a chronic or abandoned nuisance or a dangerous or noxious condition. The designee must periodically report certain information about each such assessment to the governing body. The measure also shortens from 12 months to 180 days the length of time that must elapse before a special assessment for civil penalties may be imposed, in some instances. Thank you.

Roll call on Assembly Bill No. 25:
YEAS—21.
NAYS—None.

Assembly Bill No. 25 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 29.
Bill read third time.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Assembly Bill No. 29 creates within the Department of Health and Human Services the Committee to Review Suicide Fatalities consisting of ten members appointed by the Director of Department of Health and Human Services from among certain persons and groups. The Committee must adopt written protocols setting forth suicide fatalities that must be reported to the Committee and obtain data to determine trends, risk factors and strategies for the prevention of suicide fatalities. Additionally, the Committee may conduct investigations, review death certificates, share information, petition a district court for issuance of subpoenas, recommend legislation and issue special reports. Each year the Committee must
submit a report to the Director concerning activities of the Committee. Lastly, the bill requires the Coordinator of the Statewide Program for Suicide Prevention to employ at least one trainer for suicide prevention in any county whose population is greater than 700,000. This bill is effective on October 1, 2013. Thank you.

Roll call on **Assembly Bill No. 29**:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to Assembly.

**Assembly Bill No. 30**.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. **Assembly Bill No. 30** specifies that the community notification website, maintained by the Central Repository of Criminal Records, is the source of information available to the public concerning offenders listed in the statewide registry of sex offenders. This measure also removes the requirement that the Central Repository of Criminal Records maintain a log of requests for information from the website, and it provides that the contents of a record of registration are confidential and not subject to inspection by the general public. This measure is effective on passage and approval. Thank you.

Roll call on **Assembly Bill No. 30**:

YEAS—21.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority, 
Mr. President declared it passed.

Bill ordered transmitted to Assembly.

**Assembly Bill No. 39**.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. **Assembly Bill No. 39** limits the sale or transfer of certain materials that can be used to manufacture methamphetamine to 9 grams to the same person within a 30-day period. The bill requires the Board of Pharmacy to approve a real-time, stop sale system, if one is available, for use by pharmacies in this State to limit sales of these chemicals. After approval, a pharmacy will be required to use the system and will be prohibited from completing a sale or transfer if the system alerts that the transaction would be in violation of the law. Thank you.

Roll call on **Assembly Bill No. 39**:

YEAS—21.

NAYS—None.

Assembly Bill No. 39 having received a constitutional majority, 
Mr. President declared it passed.

Bill ordered transmitted to Assembly.
Assembly Bill No. 40.
Bill read third time.
Remarks by Senator Ford.
Thank you, Mr. President. Assembly Bill No. 40 authorizes the State Board of Parole Commissioners to enter into an agreement with the manager of an automated victim notification system in order to provide required notice when an offender requests to serve a term of residential confinement, the Board fixes the date of a parole hearing or the Board makes a final decision on the parole of an offender. This measure is effective upon passage and approval. Thank you.

Roll call on Assembly Bill No. 40:
YEAS—21.
NAYS—None.

Assembly Bill No. 40 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 55.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Assembly Bill No. 55 imposes enhanced penalties for attempting, or conspiring to commit, embezzlement or obtain money or property of a value of $650 or more by false pretenses against a person who is 60 years of age or older, or a vulnerable person. This measure is effective on October 1, 2013. This bill was passed unanimously by the Senate Committee on Judiciary. We urge your yes vote. Thank you.

Roll call on Assembly Bill No. 55:
YEAS—21.
NAYS—None.

Assembly Bill No. 55 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 59.
Bill read third time.
Remarks by Senator Parks.
Thank you, Mr. President. Assembly Bill No. 59 formalizes and renames existing components of the State Public Works Division, Department of Administration, to create a Public Works – Compliance and Code Enforcement Section, and a Public Works – Professional Services Section within the State Public Works Division. Each of the sections will be led by one of the existing deputy administrators. The Administrator of the State Public Works Division is authorized to adopt necessary regulations for these two new sections and to recommend to the State Public Works Board the adoption of such regulations.

Assembly Bill No. 59 eliminates the requirement that a proposal for the construction of a State building include operating costs for personnel and other expenses of operation for the building. Further, the measure repeals the requirement that the State Public Works Division compile a report concerning State building projects that are financed by general obligation bonds, revenue bonds or medium-term obligations for each fiscal year and submitted annually to the Legislature. This measure is effective upon passage and approval. Thank you.
Assembly Bill No. 59

YEAS—21.
NAYS—None.

Assembly Bill No. 59 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 61

Bill read third time.
Remarks by Senator Kihuen.

Thank you, Mr. President. Assembly Bill No. 61 makes various changes relating to economic development, including: (1) clarifying when an abatement must be approved either by the Director of the Office of Economic Development or the Board of Economic Development; (2) revising the composition of the Board of Economic Development to include the Director of the Department of Employment, Training and Rehabilitation; (3) allowing the Director of the Office to declare void any contract between the Office and a regional development authority; (4) removing the requirement for the Office to develop a State Plan for Inland Ports; (5) specifying that only counties or cities may apply for grants or loans from the Catalyst Fund; (6) abolishing the Interagency Committee for Coordinating Tourism and Economic Development; and (7) abolishing the Advisory Council on Economic Development. This act becomes effective upon passage and approval. Thank you.

Roll call on Assembly Bill No. 61:
YEAS—21.
NAYS—None.

Assembly Bill No. 61 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 65

Bill read third time.
Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 65 provides certain exceptions and exemptions to the Open Meeting Law and clarifies that any other provision of law which: (1) exempts a meeting, hearing or proceeding from the requirements of the Open Meeting Law; or (2) otherwise authorizes or requires a closed meeting, hearing or proceeding prevails over the general provisions of the Open Meeting Law. The measure prohibits a member of a public body from designating a person to attend a meeting of the public body in the place of a member unless members of the public body are expressly authorized to do so by the provisions in law or other legal authority that created the public body. When permitted, any such designation must be in writing or made on the record at a meeting of the public body. Assembly Bill No. 65 provides that the Attorney General may decide not to commence prosecution of an alleged violation of the Open Meeting Law by a public body if the public body takes corrective action within 30 days of the alleged violation. The corrective action must take place in a public meeting for which the item has been clearly denoted on the agenda, and it is prospective. A quorum of members may be present in person or by means of electronic communication as long as all members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting. Certain public bodies must upload supporting material to their website at the same time that the supporting material is provided to members of the public body or within 24 hours of the conclusion of the
meeting when material is provided at the meeting. The measure codifies a definition for “deliberate.” This measure is effective on July 1, 2013. Thank you.

Roll call on Assembly Bill No. 65:
YEAS—21.
NAYS—None.

Assembly Bill No. 65 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 72.
Bill read third time.
Remarks by Senator Settelmeyer.
Thank you, Mr. President. Assembly Bill No. 72 increases the number of members of the Board of Veterinary Medical Examiners from seven to eight and requires that one member is a Nevada resident and veterinary technician with no less than five years of experience practicing in Nevada. The bill also increases the number of members required to constitute a quorum from four to five. Thank you.

Roll call on Assembly Bill No. 72:
YEAS—21.
NAYS—None.

Assembly Bill No. 72 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 79.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Assembly Bill No. 79 establishes the Nevada Early Childhood Advisory Council by the Governor. Membership of the Council is appointed by the Governor and consists of representatives as required by federal law, plus representatives from nonprofit organizations located in Southern and Northern Nevada that provide early childhood education programs. Among other things, the Council is required to strengthen state-level coordination of early childhood education programs among various sectors, conduct periodic statewide needs assessments and assess effectiveness of higher education institutions related to early childhood educators. Additionally, the Council shall develop recommendations for increasing student participation, developing core elements and standards, establishing statewide professional development for teachers, and increasing parental involvement. Thank you.

Roll call on Assembly Bill No. 79:
YEAS—21.
NAYS—None.

Assembly Bill No. 79 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:59 p.m.

**SENATE IN SESSION**

At 3:05 p.m.
President Pro Tempore Parks presiding.
Quorum present.

**Assembly Bill No. 82.**
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President Pro Tempore. Assembly Bill No. 82 prohibits, in a custody hearing, a related hearing concerning the protection of children, or a hearing on termination of parental rights, a party from presenting evidence of a child’s previous sexual conduct to challenge the child’s credibility unless the attorney for the child has first presented evidence or the child has testified concerning the presence or absence of such conduct on direct examination by the district attorney or the attorney for the child. The bill also limits the scope of cross-examination or rebuttal to the evidence presented by the child’s attorney or the child. Thank you.

Roll call on Assembly Bill No. 82:
YEAS—21.
NAYS—None.

Assembly Bill No. 82 having received a constitutional majority, Mr. President Pro Tempore declared it passed.
Bill ordered transmitted to Assembly.

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

Senate in recess at 3:07 p.m.

**SENATE IN SESSION**

At 3:07 p.m.
President Krolicki presiding.
Quorum present.

**Assembly Bill No. 83.**
Bill read third time.
Remarks by Senator Atkinson.
Thank you, Mr. President. Assembly Bill No. 83 provides that, in order for money to be disbursed by an escrow agent, title insurer, title agent or escrow officer the same day it is deposited, a money order, certified check or cashier’s check must be drawn from a financial institution authorized to do business in this State. Thank you.
Roll call on Assembly Bill No. 83:
YEAS—21.
NAYS—None.

Assembly Bill No. 83 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 89.
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. Assembly Bill No. 89 authorizes the formation of benefit corporations in Nevada. A benefit corporation does not require that profit motive be its sole objective, it can have a different objective to make some public purpose. I urge your support. Thank you.

Roll call on Assembly Bill No. 89:
YEAS—21.
NAYS—None.

Assembly Bill No. 89 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 90.
Bill read third time.
Remarks by Senator Woodhouse.
Thank you, Mr. President. Assembly Bill No. 90 allows any person employed by an injured worker’s labor organization, whether full-time or part-time, and who is not an independent contractor, to represent an individual before a hearing officer or in negotiations, settlements, hearings or other meetings with an insurer concerning a claim. This bill is effective on October 1, 2013. Thank you.

Roll call on Assembly Bill No. 90:
YEAS—21.
NAYS—None.

Assembly Bill No. 90 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 93.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Assembly Bill No. 93 requires an applicant for a license, or licensee, of a child care facility to notify the Health Division, Department of Health and Human Services, as soon as practicable but not later than 24 hours after: (1) the licensee hires an employee of a child care facility; (2) an employee begins residence at a child care facility; or (3) an employee begins participation in an outdoor youth program. Thank you.
Roll call on Assembly Bill No. 93:
YEAS—21.
NAYS—None.

Assembly Bill No. 93 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 94.
Bill read third time.
Remarks by Senator Settelmeyer.
Thank you, Mr. President. Assembly Bill No. 94 removes the requirement that examinations for licensure as a professional engineer or professional land surveyor be eight hours long. Thank you.

Roll call on Assembly Bill No. 94:
YEAS—21.
NAYS—none.

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

Assembly Bill No. 102.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Assembly Bill No. 102 defines the crime of organized retail theft as intentionally committing, alone or with others, a series of thefts of retail merchandise against one or more merchants, with the intent to return or resell the merchandise for value. Thank you.

Roll call on Assembly Bill No. 102:
YEAS—21.
NAYS—None.

Assembly Bill No. 102 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 109.
Bill read third time.
Remarks by Senators Hardy and Cegavske.

Senator Hardy:
Thank you, Mr. President. Assembly Bill No. 109 sets forth the required qualifications of a licensee or person appointed by the licensee responsible for the daily operations of a child care facility that cares for 12 or more children. In addition, the licensee or person appointed by the licensee is required to apply to the Nevada Registry when initially licensed and upon annual renewal. The bill increases the amount of training required for all employees of a child care facility. Finally, directors approved by the Health Division of the Department of Health and
Human Services before the effective date of this bill can obtain a waiver to bypass the requirements until January 1, 2016. Thank you.

Senator Cegavske:
Thank you, Mr. President. I have a couple of questions on Assembly Bill No. 109. Several day care providers reached out to me with concerns about the costs to them associated with this bill. I am hoping someone can help address this piece and answer whether the committee who heard this bill was in unanimous agreement. I am also interested in any concerns expressed by the committee and if so, have they been addressed in this bill. Thank you.

Senator Hardy:
Thank you, Mr. President. Training usually does cost money so there will be an impact. The background of this bill is that the person who is the licensee, or the person who acts for the licensee, must: (1) be at least 21 years old; (2) have a background in early childhood education (associate’s degree, high school diploma or credential); (3) have a number of verifiable hours of experience in a child care facility; and (4) have at least 1,000 verifiable hours in business administration. Training requirements in this bill are increased from 15 hours per year to: (1) 18 hours between January 1, 2014, to January 1, 2015; (2) 21 hours between January 1, 2015, to January 1, 2016; and (3) 24 hours per year after January 1, 2016. So yes, there will be costs incurred from training.

What we are seeing in pre-kindergarten education, childhood development and child care facilities is that most people want their children to have the opportunity to be pre-taught so they are prepared for pre-school and Kindergarten. This will be a burden on some but it is my hope that the burden will be shared in such a way that it benefits children in being better ready for being able to read by age three and graduate. Thank you.

Senator Cegavske:
Thank you, Mr. President. That helps. Thank you.

Roll call on Assembly Bill No. 109:
Yeas—21.
Nays—None.

Assembly Bill No. 109 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Assembly Bill No. 110
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. As you know, it is illegal to discriminate against people; Assembly Bill No. 110 makes it illegal to discriminate against dogs. I urge your support. Thank you.

Roll call on Assembly Bill No. 110:
Yeas—20.
Nays—Smith.

Assembly Bill No. 110 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Assembly Bill No. 117
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Assembly Bill No. 117 allows a person driving a motorcycle, moped, or tri-mobile, or riding a bicycle or an electric bicycle to proceed into an intersection against a red traffic signal if: (1) the person stops as required by the signal; (2) the person waits for two complete cycles of the lights or lighted arrows and the signal does not change because of a malfunction or the failure of the signal to detect the presence of the vehicle; (3) no other device at the place prohibits a turn, if applicable; and (4) the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. The bill also provides that, if the person commits certain violations while proceeding into an intersection against a red signal that result in an injury to another person, the violations create a rebuttable presumption of facts necessary to impose civil liability. Thank you.

Roll call on Assembly Bill No. 117:
YEAS—21.
NAYS—None.

Assembly Bill No. 117 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 120.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Assembly Bill No. 120 requires the Division of Insurance to post on its Internet website, a list of companies that do not use an insurance score for the purposes of rating an applicant or calculating the premium for a policy of insurance for a passenger car or homeowner’s insurance. Thank you.

Roll call on Assembly Bill No. 120:
YEAS—21.
NAYS—None.

Assembly Bill No. 120 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 128.
Bill read third time.
Remarks by Senator Settelmeyer.
Thank you, Mr. President. Assembly Bill No. 128 exempts the following persons from requirements to pay an aquatic invasive species fee and display an aquatic invasive species decal in Nevada: a person who operates a vessel on the Colorado River, Lake Mead or Lake Mohave, if the vessel is registered in Arizona and Arizona has an aquatic invasive species management program in effect; and a person who operates a vessel on Lake Tahoe or Topaz Lake, if the vessel is registered in California and California has an aquatic invasive species management program in effect. Thank you.

Roll call on Assembly Bill No. 128:
YEAS—21.
NAYS—None.
Assembly Bill No. 128 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Manendo moved that Assembly Bill No. 129 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 132,
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Assembly Bill No. 132 provides that a person employed by a licensed agency to provide personal care services in the home is not liable for civil damages as the result of a certain act or omission not amounting to gross negligence. Thank you.

Roll call on Assembly Bill No. 132:
YEAS—21.
NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 132
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Assembly Bill No. 132 provides that a person employed by a licensed agency to provide personal care services in the home is not liable for civil damages as the result of a certain act or omission not amounting to gross negligence. Thank you.

Roll call on Assembly Bill No. 132:
YEAS—21.
NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 144,
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Assembly Bill No. 144 provides that an anatomical gift, made by an un-emancipated minor who is at least 16 years old and possesses a driver’s license or identification card, cannot be revoked or amended if both the donor and a parent or guardian have executed a form authorizing the anatomical gift. Thank you.

Roll call on Assembly Bill No. 144:
YEAS—21.
NAYS—None.

Assembly Bill No. 144 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 154,
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Assembly Bill No. 154 authorizes a multidisciplinary team reviewing the death of a child to use aggregated and unidentified data relative to the death of a child for research and prevention purposes. The bill consolidates the State administrative team into the Executive Committee to Review the Death of Children, which is required to review reports and recommendations of multidisciplinary teams. Additionally, this bill provides that
certain administrators of child welfare agencies and agencies responsible for mental health and public safety serve as nonvoting members of the Executive Committee. Thank you.

Roll call on Assembly Bill No. 154:
YEAS—21.
NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 155.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Assembly Bill No. 155 makes various changes related to the reporting of suspected child abuse and neglect. Assembly Bill No. 155 provides that attorneys are not mandated to report suspected abuse or neglect of a child if the information was acquired through privileged communication with a client who: (1) has been or may be accused of committing the abuse or neglect; or (2) is the victim, is in foster care, and does not give consent to the report. However, this bill does not relieve the attorneys of the duty to advocate for and take actions to protect the safety of their client. Thank you.

Roll call on Assembly Bill No. 155:
YEAS—21.
NAYS—None.

Assembly Bill No. 155 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 158.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Assembly Bill No. 158 renames the State Program for Fitness and Wellness to be the State Program for Wellness and the Prevention of Chronic Disease.

Roll call on Assembly Bill No. 158:
YEAS—21.
NAYS—None.

Assembly Bill No. 158 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 168.
Bill read third time.
Remarks by Senator Settelmeyer.
Thank you, Mr. President. Assembly Bill No. 168 requires that one member of each county advisory board to manage wildlife must represent the interests of the general public. The bill requires the appointment of such a member as soon as practicable after the first board vacancy
that occurs on or after July 1, 2013. This measure also specifies that the other advisory board members must be appointed based on recommendations from ranchers and farmers in the county, and from organizations that represent hunters, trappers or anglers. Thank you.

Roll call on Assembly Bill No. 168:
YEAS—21.
NAYS—None.

Assembly Bill No. 168 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 173.
Bill read third time.
Remarks by Senator Woodhouse.
Thank you, Mr. President. Assembly Bill No. 173 prohibits an electric utility from making changes to a schedule or imposing a rate based on the time of day, day of the week or time of year during which electricity is purchased by a residential consumer, unless the consumer has voluntarily subscribed to a program imposing such a rate. This bill is effective upon passage and approval. Thank you.

Roll call on Assembly Bill No. 173:
YEAS—21.
NAYS—None.

Assembly Bill No. 173 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 174.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 174 requires an agency which provides child welfare services that has taken a child into protective custody to do a number of things. I urge your yes vote. Thank you.

Roll call on Assembly Bill No. 174:
YEAS—21.
NAYS—None.

Assembly Bill No. 174 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 182.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Assembly Bill No. 182 authorizes the owner of a storage space at a storage facility to impose a reasonable late fee for each month an occupant does not pay rent pursuant to a rental agreement. The bill also removes the requirement for the owner of a storage
facility to use the summary eviction process to evict a person who is using a storage space as a residence. Thank you.

Roll call on Assembly Bill No. 182:
YEAS—21.
NAYS—None.

Assembly Bill No. 182 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Assembly Bill No. 183 be taken from the General File and placed at the bottom of the General File for this legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 185.
Bill read third time.
Remarks by Senator Denis.
Thank you, Mr. President. Assembly Bill No. 185 allows the Labor Commissioner to enter into a memorandum of understanding with the Wage and Hour Division of the United States Department of Labor to promote compliance with labor laws of common concern. Thank you.

Roll call on Assembly Bill No. 185:
YEAS—21.
NAYS—None.

Assembly Bill No. 185 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 194.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 194 provides that holding a leasehold interest in real property destroyed or injured is not a defense to the crime of willfully and maliciously injuring the real or personal property of another. Thank you.

Roll call on Assembly Bill No. 194:
YEAS—21.
NAYS—None.

Assembly Bill No. 194 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Bill read third time.
Remarks by Senators Hutchison and Jones.

SENATOR HUTCHISON:
Thank you, Mr. President. Assembly Bill No. 199 authorizes the Colorado River Commission to contract with certain new eligible customers based on an allocation of capacity and associated firm energy from a resource pool created pursuant to federal law, without subjecting the Colorado River Commission to regulation by the Public Utilities Commission of Nevada. The bill prohibits the Colorado River Commission from serving any new customer located within the service territory of an electric utility that primarily serves densely-populated counties in excess of the allocation made to that customer pursuant to federal law. Lastly, the bill requires the Public Utilities Commission of Nevada to establish a tariff for certain services provided by an electric utility for its sale of electric or transmission services, or both, to a customer of the Colorado River Commission. This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks, and on October 1, 2013, for all other purposes. Thank you.

SENATOR JONES:
Thank you, Mr. President. I am wondering if my colleague from Senate District No. 6 can provide me with the key provisions of the Hoover Power Allocation Act for the Body’s edification? Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. The Hoover Power Allocation Act of 2011 was based on the Hoover Power Act of 1936. The Act establishes the basis for allocations of low-cost renewable hydropower from Hoover Dam to customers in Arizona, California, and Nevada for a 50-year term. Thank you.

Roll call on Assembly Bill No. 199:
YEAS—21.
NAYS—None.

Assembly Bill No. 199 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

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

Senate in recess at 3:47 p.m.

SEATTLE IN SESSION

At 8:46 p.m.
President Krolicki presiding.
Quorum present.

Assembly Bill No. 205.
Bill read third time.
Remarks by Senator Cegavske.
Thank you, Mr. President. Assembly Bill No. 205 requires Nevada charter schools to operate under performance-based contracts rather than written charters. It further requires those contracts to include performance measures for student achievement, proficiency, attendance and re-enrollment rates, graduation rates if applicable and financial and governance outcomes and indicators which are specific to a school’s mission. This is a very good bill and I urge your support. Thank you.

Roll call on Assembly Bill No. 205:
YEAS—21.
NAYS—None.

Assembly Bill No. 205 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 209.
Bill read third time.
Senator Smith moved that Assembly Bill No. 209 be taken from the General File and placed on the Secretary’s Desk.
Motion carried.

Bill read third time.
Remarks by Senator Woodhouse.
Thank you, Mr. President. Assembly Bill No. 210 requires that when developing an individualized education program for a pupil with a hearing impairment, the pupil’s individualized education program team consider certain factors in order to achieve the best feasible instruction for the pupil. The bill provides that a pupil with a hearing impairment cannot be denied the opportunity for instruction in a particular communication mode solely because the pupil’s chosen mode of communication differs from that recommended by the individualized education program team. The bill further requires that, to the extent feasible, a school provide instruction to such pupils in more than one communication mode. Finally, this measure requires the Department of Education to post certain data on its website within 30 days after submitting that data to the federal government. This bill is effective on July 1, 2013. Thank you.

Roll call on Assembly Bill No. 210:
YEAS—21.
NAYS—None.

Assembly Bill No. 210 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 217.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Assembly Bill No. 217 requires a county department of juvenile justice services and an agency that provides child welfare services to obtain background information and a personal history for each applicant for employment and each employee to determine whether the applicant or employee has been convicted of or charged with specific
crimes. If the background check indicates the applicant or employee has pending charges, the bill authorizes the agency or department to deny or terminate employment. I urge your support. Thank you.

Roll call on Assembly Bill No. 217:
YEAS—21.
NAYS—None.

Assembly Bill No. 217 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 221.
Bill read third time.
Remarks by Senator Jones.

Thank you, Mr. President. Assembly Bill No. 221 requires the Director of the Department of Health and Human Services to issue a request for information by January 1, 2014, to determine availability and cost of technology, data verification and resources to assist the Department in reducing waste, fraud and abuse under Medicaid and the Children’s Health Insurance Program. The request for information must seek: (1) strategies for determining the validity of claims before payments are made to Medicaid and Children’s Health Insurance Program providers; (2) whether technology is capable of being integrated into the existing system; and (3) information on other fraud investigation services that combine a retrospective analysis of claims. I urge your support. Thank you.

Roll call on Assembly Bill No. 221:
YEAS—21.
NAYS—None.

Assembly Bill No. 221 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 227 be taken from the General File and placed on the top of the General File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 231.
Bill read third time.
Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 231 provides that a vacancy in the membership of the governing board of a town board or town advisory board must be filled by an appointment by the applicable board of county commissioners. In addition, the board of county commissioners shall appoint a member to fill a vacancy on the board of directors of a local improvement district if the board of directors of a local improvement district fails to do so within 30 days. This bill is effective July 1, 2013. Thank you.
Roll call on Assembly Bill No. 231:
YEAS—21.
NAYS—None.

Assembly Bill No. 231 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 243:
Bill read third time.
Remarks by Senators Spearman, Gustavson, Brower and Roberson.

SENATOR SPEARMAN:
Thank you, Mr. President. Assembly Bill No. 243 requires all special license plates designed,
prepared and issued by the Department of Motor Vehicles after October 1, 2013, to have a
uniform design and background color. This bill is effective on October 1, 2013. Thank you.

SENATOR GUSTAVSON:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 243. Special license
plates were created a few years back and they all have a uniqueness to them. This bill will
change that uniqueness, only allowing a third of the license plate on the left side to be unique.
The rest of the plate will be a specific color. People who buy special license plates do so because
of the uniqueness, and to donate to a charitable cause they endorse. For that reason, I stand in
opposition to the bill. Thank you.

SENATOR BROWER:
Thank you, Mr. President. A question to the bill’s sponsor: what would happen to the existing
special license plates that are out in circulation currently? Would they be illegal upon the
passage of this bill? Thank you.

SENATOR ROBERSON:
Thank you, Mr. President. The sponsor of the bill is in the Assembly. Thank you.

Roll call on Assembly Bill No. 243:
YEAS—10.
NAYS—Brower, Cegavske, Denis, Goicoechea, Gustavson, Hammond,
Hutchison, Kieckhefer, Roberson, Settelmeyer, Smith—11.

Assembly Bill No. 243 having failed to receive a constitutional majority,
Mr. President declared it lost.

Assembly Bill No. 244:
Bill read third time.
Remarks by Senator Manendo.
Thank you, Mr. President. Assembly Bill No. 244 sets the minimum number of active
registrations for special license plates at 1,000 for all special license plates. This bill is effective
on October 1, 2013. Thank you.

Roll call on Assembly Bill No. 244:
YEAS—21.
NAYS—None.
Assembly Bill No. 244 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 248.
Bill read third time.
Senator Smith moved that Assembly Bill No. 248 be taken from the General File and placed on the Secretary’s Desk.
Motion carried.

Assembly Bill No. 249.
Bill read third time.
Remarks by Senator Parks.

Thank you, Mr. President. Assembly Bill No. 249 removes language providing for an appointed district attorney to serve the unexpired remainder of the four-year term. Instead, an appointed district attorney would have to comply with the statutory provisions that apply to appointments made to fill vacancies in most county offices. This bill is effective on October 1, 2013.

When a vacancy occurs in most county offices, current law provides that the office must be placed on the ballot at the next biennial election if: (1) the vacancy requiring the permanent appointment of a new county officer occurred at least 30 days before the date upon which a person must declare candidacy for the office; and (2) the office is not otherwise scheduled for election at the next biennial election. If the vacancy occurred fewer than 30 days before the deadline for declaring candidacy, the appointee would serve the unexpired portion of the term. Thank you.

Roll call on Assembly Bill No. 249:
YEAS—21.
NAYS—None.

Assembly Bill No. 249 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 255.
Bill read third time.
Remarks by Senator Smith.

Thank you, Mr. President. Assembly Bill No. 255 requires the Legislative Auditor to conduct an audit concerning the use by the Department of Health and Human Services of certain assessments paid by counties. A final written report must be submitted by the Legislative Auditor to the Audit Subcommittee of the Legislative Commission by January 31, 2015. This bill is effective upon passage and approval. Thank you.

Roll call on Assembly Bill No. 255:
YEAS—21.
NAYS—None.
Assembly Bill No. 255 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 259.
Bill read third time.
Remarks by Senators Cegavske, Smith and Hardy.

SENATOR CEGAVSKE:
Thank you, Mr. President. Assembly Bill No. 259 makes various changes to the P-16 Advisory Council, including: (1) changing the name of the Council to the “P-20W Advisory Council” and highlighting its role in the early childhood and workforce sectors; (2) adding the Director of the Department of Employment, Training and Rehabilitation as an ex-officio member of the Council; and (3) broadening the role of the Council in using the statewide longitudinal data system to: improve the college and career readiness of Nevada’s students, assess the effective preparation of teachers and administrators and evaluate the return on investment of workforce development programs. I urge your support. Thank you.

SENATOR SMITH:
Thank you, Mr. President. I rise in support of Assembly Bill No. 259, but I would like to say, on the record, that I think it is odd and frustrating that we keep talking about expanding this Council. We always talk about the “P,” but we don’t do much about the “P” and we don’t do much about the “K” yet either. If we are going to change names, we really should step up and take care of the programs. Thank you.

SENATOR HARDY:
Thank you, Mr. President. I rise in support of Assembly Bill No. 259, recognizing that a prior bill did not use the “P” but we did support early childhood education programs. Thank you.

Roll call on Assembly Bill No. 259:
YEAS—21.
NAYS—None.

Assembly Bill No. 259 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 266.
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. Assembly Bill No. 266 defines “veteran” in Chapter 417 of Nevada Revised Statutes, which is specific to Veterans’ Services, for the purpose of establishing who is entitled to certain privileges and benefits. This measure is effective on July 1, 2013. Caleb S. Cage, Captain, United States Army, Executive Director, Office of Veterans’ Services, noted that it is a national best practice to define “veteran” uniformly, and the definition as proposed in the amendment would bring Nevada in line with the federal definition. Thank you.

Roll call on Assembly Bill No. 266:
YEAS—21.
NAYS—None.
Assembly Bill No. 266 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 277.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Assembly Bill No. 277 allows a dental hygienist, not a dental assistant, with a special endorsement in public health dental hygiene to provide certain services without the supervision of an actively-licensed dentist under certain circumstances—especially involving public health by endorsement. Thank you.

Roll call on Assembly Bill No. 277:
YEAS—21
NAYS—None.

Assembly Bill No. 277 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 281.
Bill read third time.
Remarks by Senator Manendo.
Thank you, Mr. President. Assembly Bill No. 281 revises provisions related to certain records about the workers that are required to be kept by a contractor and a subcontractor engaged on a public work project. Specifically, a contractor and subcontractor must include the gender and ethnicity of each such worker, but only if the worker agrees to supply such information voluntarily. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity. Thank you.

Roll call on Assembly Bill No. 281:
YEAS—20.
NAYS—Gustavson.

Assembly Bill No. 281 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 282.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Assembly Bill No. 282 revises provisions governing surety bonds related to motor vehicle sales. This bill provides that surety bond compensation is for the use and benefit of a consumer injured by the action of a broker, dealer, distributor, manufacturer, rebuilder, or their representative or salesperson. This bill is effective on July 1, 2013.

The Nevada Supreme Court has liberally interpreted the phrase “any person” to allow any individual person or group of persons (including a finance company) who is injured by the actions of a broker, manufacturer, distributor, dealer or rebuilder of motor vehicles to apply for compensation from surety bonds. This bill removes the phrase “any person” and replaces it with
“consumer” to clarify that surety bond compensation is only for the benefit of a consumer. Thank you.

Roll call on Assembly Bill No. 282:
YEAS—21.
NAYS—None.

Assembly Bill No. 282 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 307.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 307 requires a county to pay any costs incurred by a hospital for a forensic medical examination of a victim of sexual assault. The bill also specifies that any costs incurred by a county for medical care provided to a victim within 72 hours after arriving for treatment and any costs for a forensic medical examination must be charged to the county where the offense was committed, and that the filing of a police report must not be a prerequisite to qualifying for a forensic medical examination. The bill also requires a victim of sexual assault to file a police report or submit to a forensic medical examination in order for the victim or the victim’s spouse, relative or close friend to be eligible for any additional treatment at county expense for physical injuries or emotional trauma suffered as the result of the sexual assault. Thank you.

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

Assembly Bill No. 307 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 310.
Bill read third time.
Remarks by Senator Settelmeyer.
Thank you, Mr. President. Assembly Bill No. 310 allows an irrigation district to buy insurance or make other financial arrangements on behalf of its agents, officers, employees, delegates and representatives for liability and expenses related to such persons’ involvement with the district. The bill also raises the limit on indebtedness for an irrigation district from $500,000 to $1 million. This bill is effective on July 1, 2013. Thank you.

Roll call on Assembly Bill No. 310:
YEAS—21.
NAYS—None.

Assembly Bill No. 310 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Assembly Bill No. 321.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 321 requires each State agency to provide its employees with information relating to the Merit Award Program. Thank you.

Senator Smith moved that Assembly Bill No. 321 be taken from the General File and placed on the Secretary’s Desk.
Motion carried.

Assembly Bill No. 322.
Bill read third time.
Remarks by Senator Jones.
Thank you, Mr. President. Assembly Bill No. 322 removes the term “private” from the phrase “passenger car” for purposes of providing certain materials concerning personal injury claims under a policy of motor vehicle insurance. I strongly urge passage of this bill by my colleagues. Thank you.

Roll call on Assembly Bill No. 322:
YEAS—21.
NAYS—None.

Assembly Bill No. 322 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Denis moved that Assembly Bill No. 183 be taken from the General File and placed on the top General File.
Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 183.
Bill read third time.
Remarks by Senators Jones, Ford and Atkinson and President Krolicki.

SENATOR JONES:
Thank you, Mr. President. Assembly Bill No. 183 allows any person 16 years of age to donate blood with the consent of his or her parent or guardian. Thank you.

SENATOR FORD:
Thank you, Mr. President. Can someone please clarify if the bill requires consent? Thank you.

SENATOR JONES:
Thank you, Mr. President. The bill requires consent of the parents. Thank you.

SENATOR ATKINSON:
Thank you, Mr. President. How is the consent of the parent verified? Is it by signature? Thank you.
SENATOR JONES:
Thank you, Mr. President. It is my understanding that it is by signature verification. I can look back at the bill text. I don’t believe the parent had to physically be present to give consent the first time someone of the age in this bill donates blood. Thank you.

MR. PRESIDENT:
Is that a sufficient clarification Senator Atkinson?

SENATOR ATKINSON:
Thank you, Mr. President. Yes. Thank you.

Roll call on Assembly Bill No. 183:
YEAS—21.
NAYS—None.

Assembly Bill No. 183 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES


Motion carried.

REPORTS OF COMMITTEES

Mr. President:
Your Committee on Commerce, Labor and Energy, to which were referred Assembly Bill Nos. 95, 170, 181, 324, 339, 391 and 486, 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 Assembly Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, Chair

Mr. President:
Your Committee on Finance, to which was re-referred Senate Bill No. 239, 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. 83, 84 and 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

DEBBIE SMITH, Chair

Mr. President:
Your Committee on Government Affairs, to which were referred Assembly Bill Nos. 9, 50, 87, 99, 131, 172 and 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, Chair
Mr. President:
Your Committee on Transportation, to which were referred Assembly Bills Nos. 21, 165, 176, 189, 198, 263, 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK A. MANENDO, Chair

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

May 17, 2013


RICHARD S. COMBS
Director

SECOND READING AND AMENDMENT
Assembly Bill No. 9.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.
Amendment No. 601.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 609 to Assembly Bill No. 9 adds a definition of “appointive employee” to the Reno City Charter to mean persons who are “special technical staff members who report directly to the City Manager.” Thank you.

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

Assembly Bill No. 21.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.
Amendment No. 762.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.
Thank you, Mr. President. Amendment No. 762 makes two revisions to Assembly Bill No. 50. First, it adds language to clarify when a redevelopment plan that has been extended by ordinance may terminate. Second, it extends from seven days to 14 days the length of time prior to a public meeting that a redevelopment agency must make available to the public a detailed report concerning certain actions that the agency proposes to take and that will be under consideration at the meeting. Thank you.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.

**Assembly Bill No. 87.**

*Senator Hammond moved the adoption of the amendment.*

Remarks by Senator Hammond.

Thank you, Mr. President. Amendment No. 613 to Assembly Bill No. 87 provides that standards and specifications set forth in zoning ordinances for the construction or alteration of public schools in counties with populations between 100,000 and 700,000 (currently Washoe County) must be “developed in conjunction with” the school district rather than “approved by the board of trustees” of the school district. Thank you.

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

**Assembly Bill No. 95.**

Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.

**Amendment No. 766.**

*Senator Atkinson moved the adoption of the amendment.*

Remarks by Senators Atkinson, Ford, Settelmeyer and President Kroicki.

**SENATOR ATKINSON:**

Thank you, Mr. President. Amendment No. 766 to Assembly Bill No. 95 provides that a pharmacist or practitioner must indicate that a generic drug is being substituted for a drug prescribed by brand name only for the initial filling of the prescription. Thank you.

**SENATOR FORD:**

Thank you, Mr. President. I am wondering if someone from the committee who heard this bill could let me know the rationale for only requiring the substitution to be indicated on the initial prescription; specifically, I wonder what happens if someone has a prescription six months apart from the next. Would this require the pharmacist to let the person know they are getting a generic brand as opposed to what was prescribed by their doctor?

**SENATOR SETTELMEYER:**

Thank you, Mr. President. The testimony during committee indicated that computer problems occur if we allow the indication to occur anytime the prescription is filled. If it occurs only at the first filing, especially for larger national firms—Walgreens testified along with other large drug stores—it created a problem. Therefore, it needs to be at the very initial stage of prescribing a medication for a patient. Otherwise it creates a computer problem. Thank you.

**MR. PRESIDENT:**

Senator Ford, are you satisfied with the answer you have received?

**SENATOR FORD:**

Thank you, Mr. President. Yes, I am. Thank you.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
Assembly Bill No. 99.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.

**Amendment No. 614.**
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.
Thank you, Mr. President. **Amendment No. 614** to Assembly Bill No. 99 provides that a notary public is not required to have the person for whom he or she performs a notarial act sign a journal if he or she has performed a notarial act for the same person within the last six months, has personal knowledge of the person, is an employee or coworker of the person and the notarial act relates to a transaction performed in the ordinary course of the person’s business. Thank you.

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

Assembly Bill No. 131.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.

**Amendment No. 600.**
Senator Goicoechea moved the adoption of the amendment.
Remarks by Senator Goicoechea.
Thank you, Mr. President. **Amendment No. 600** to Assembly Bill No. 131 revises the selection of the board members for the Virgin Valley Water District by providing that two members must reside in, and be elected by, the voters in the area south of the Virgin River, and three members must reside in, and be elected by, the voters in the area north of the Virgin River. The amendment also staggers the terms. Thank you.

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

Assembly Bill No. 165.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Atkinson moved that Assembly Bill No. 170 be taken from the General File and placed on the Secretary’s Desk.
Motion carried.

SECOND READING AND AMENDMENT
Assembly Bill No. 172.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.

**Amendment No. 615.**
Senator Parks moved the adoption of the amendment.
Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 615 to Assembly Bill No. 172 revises the bill to provide that either a person who submitted a bid on a public work or an entity who believes that a contractor who was awarded a contract for the public work was wrongfully awarded a certificate of eligibility may challenge the validity of the certificate of eligibility. Thank you.

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

Assembly Bill No. 176.
Bill read second time and ordered to third reading.

Assembly Bill No. 181.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 651.
Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 651 to Assembly Bill No. 181 provides that nothing in this bill shall prevent an employer from complying with the requirements in State or federal statutes, rules or regulations, case law or rules of self-regulatory organizations. Thank you.

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

Assembly Bill No. 189.
Bill read second time and ordered to third reading.

Assembly Bill No. 198.
Bill read second time and ordered to third reading.

Assembly Bill No. 263.
Bill read second time and ordered to third reading.

Assembly Bill No. 288.
Bill read second time.
The following amendment was proposed by the Committee on Education.

Amendment No. 671.
Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 671 to Assembly Bill No. 288 revises Assembly Bill No. 288 to expand specific statutory references to the General Equivalency Development. Such citations are expanded to include any assessment comparable to the General Equivalency Development certificate, credential or diploma that enables a person who has not graduated from high school to demonstrate an education level which is an acceptable substitute for completing a high school education. Thank you.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.
Bill read second time and ordered to third reading.

Assembly Bill No. 324.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 769.
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.
Thank you, Mr. President. Amendment No. 769 makes two changes to Assembly Bill No. 324. First, it renames the titles used for the two levels of dental assistants to “certified Nevada dental assistant” and “practical dental assistant.” Second, it increases the maximum fees for the initial application, renewal and reinstatement for a practical dental assistant and certified Nevada dental assistant. Thank you.

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

Assembly Bill No. 339.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 653.
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.
Thank you, Mr. President. Amendment No. 653 to Assembly Bill No. 339 deletes “inclement weather” and “any other circumstances beyond the control of the employer” from the conditions where an employer may pay the employee the employee’s regular wage rate for the hours the employee actually worked. Thank you.

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

MOTIONS, RESOLUTIONS AND NOTICES
Senator Roberson moved that Assembly Bill No. 391 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
Assembly Bill No. 445.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.
Amendment No. 599.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.
Thank you, Mr. President. Amendment No. 599 to Assembly Bill No. 445 requires the Department of Administration to establish a directory of public bodies and to include the directory on the State’s official website in a clear and conspicuous location. Thank you.

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

Assembly Bill No. 486.
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 654.
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.
Thank you, Mr. President. Amendment No. 654 to Assembly Bill No. 486 provides that the Public Utilities Commission of Nevada may declare an emergency exists in any area where alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort. If the Public Utilities Commission of Nevada declares an emergency, it may impose obligations on any provider of alternative voice service only to the extent that it receives money from the fund to maintain availability of adequate and reliable telephone service for a specified period of time. Thank you.

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

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Senate Bill Nos. 83, 84, 164 and 239 be taken from the General File on the second agenda and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS
Senator Parks moved that the Senate concur in the Assembly Amendment No. 619 to Senate Bill No. 122.
Motion carried.
Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS
There being no objections, the President and Secretary signed Senate Bill Nos. 7, 8, 26, 29, 30, 32, 35, 37, 40, 41, 45, 46, 47, 48, 51, 53, 61, 65, 71, 74, 77, 79, 81, 86 and Assembly Concurrent Resolution No. 3.
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 Amber Harris.

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to Denai Denis and Alexi Fernandez.

On request of Senator Gustavson, the privilege of the floor of the Senate Chamber for this day was extended to Josh Hess and Matthew Smith.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Lara Bringhamur, Hannah Fellman, Gretchen Michaud and Carlie Wilson.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Elizabeth Sweany, Mary Toft, Valeria Villa and Seren Ward.

On request of Senator Hutchison, the privilege of the floor of the Senate Chamber for this day was extended to Katherine Giles, Tess Nieman, and Haideny Xonthe.

On request of Senator Kihuen, the privilege of the floor of the Senate Chamber for this day was extended to Jason Flores.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Brandon Robbins.

On request of President Krolicki the privilege of the floor of the Senate Chamber for this day was extended to Bob Seale.

Sen. Denis moved that the Senate adjourn until Tuesday, May 21, 2013, at 12:00 noon and it do so in honor of the people who lost their lives in the tornado in Oklahoma, today.

Motion carried.

Senate adjourned at 10:00 p.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

UNION LABEL