Senate called to order at 1:17 p.m.
President Krolicki presiding.
Roll called.
All present.
Prayer by Senator Don Gustavson.
Good afternoon. Let us pray.
Heavenly Father, we thank You, Lord, for the opportunity to serve You in the capacity that we do here. We invite Your presence in this building and we ask that You work in us, and through us, and that You give us the courage to seek what is best for our State and the citizens who reside here. We pray You give us the guidance and wisdom to make the right decisions for the betterment of our constituents and the great State of Nevada, and that we would acknowledge and be respectful of each other's differences.

We pray for strength and good health for all legislators, staff and lobbyists, and we ask for Your wisdom and blessing to be on each of them as You give us the stamina that we all need to finish this Session.

We ask that You bless our armed forces, that You would protect them, and that You would pour Your blessings upon our veterans. We pray that our economy continues to improve, and that new businesses would flock to Nevada to help fill the needs of our job market to put our citizens back to work.

We ask for so much Lord, but let us not forget to be thankful for all we have. Thank You always for the opportunity to pray aloud, and to call upon Your beloved son, Jesus. In his name we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Mr. President:
Your Committee on Finance, to which were re-referred Senate Bill Nos. 395 and 430, 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 Government Affairs, to which were referred Assembly Bill Nos. 223 and 312, 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 Health and Human Services, to which was referred Assembly Bill No. 351, 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 Natural Resources, to which was referred Assembly Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

AARON D. FORD, Chair

Mr. President:
Your Committee on Transportation, to which were referred Assembly Bill Nos. 18 and 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, Chair

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 23, 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. 356, 365, 371, 382, 388, 393, 402, 404, 409, 420, 432, 433, 434, 437, 438, 459, 460, 478, 488, 489.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Senate Joint Resolutions Nos. 1, 12, 13; Senate Joint Resolution No. 15 of the 76th Session.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 447, 454.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Joint Resolution No. 9, Amendment No. 691, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 18, Amendment No. 716; Senate Bill No. 76, Amendment No. 683; Senate Bill No. 90, Amendment No. 719; Senate Bill No. 94, Amendment No. 644; Senate Bill No. 99, Amendment No. 666; Senate Bill No. 208, Amendment No. 726; Senate Bill No. 235, Amendments Nos. 643, 818; Senate Bill No. 236, Amendment No. 721; Senate Bill No. 244, Amendment No. 696; Senate Bill No. 246, Amendment No. 711; Senate Bill No. 278, Amendment No. 662; Senate Bill No. 313, Amendment No. 698; Senate Bill No. 373, Amendment No. 748; Senate Bill No. 389, Amendment No. 749; Senate Bill No. 392, Amendment No. 611; Senate Bill No. 405, Amendment No. 598; Senate Bill No. 410, Amendment No. 775; Senate Bill No. 414, Amendment No. 663; Senate Bill No. 421, Amendment No. 686; Senate Bill No. 428, Amendment No. 703; Senate Bill No. 429, Amendment No. 702; Senate Bill No. 436, Amendment No. 788; Senate Bill No. 440.
Amendment No. 617, and respectfully requests your honorable body to concur in said amendments.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that all measures just reported out of committee immediately be placed on the appropriate reading file for this legislative day.
Motion carried.

Senator Smith moved that Assembly Bill Nos. 18, 312, 351 and 453 be declared emergency measures under the Constitution and be placed on the General File for third reading and final passage on this legislative day.
Motion carried.

Senator Smith moved that Assembly Bill No. 50 be taken from the General File and placed at the bottom General File for this agenda.
Motion carried.

Senator Smith moved that Assembly Bill Nos. 48, 147, 209, 324, 348, 496 and Assembly Joint Resolution No. 3 be taken from the Secretary’s Desk and placed on the General File on this agenda.
Motion carried.

Senator Smith moved that Assembly Bill No. 170 be declared an emergency measure under the Constitution, that it be taken from the Secretary’s Desk and that it be placed on Second Reading for the second agenda.
Motion carried.

Senator Smith moved that Assembly Bill No. 230 be taken from the General File and placed on the Secretary’s Desk.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE
By the Committee on Finance:
Senate Bill No. 518—AN ACT relating to programs for public personnel; establishing for the 2013-2015 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.
Senator Smith moved that the bill be referred to the Committee on Finance.
Motion carried.
By the Committee on Finance:

*Senate Bill No. 519*—AN ACT relating to Medicaid; authorizing the Director of the Department of Corrections to apply on behalf of a prisoner for a determination of Medicaid eligibility; and providing other matters properly relating thereto.

Senator Smith moved that the bill be referred to the Committee on Finance.
Motion carried.

*Assembly Bill No. 447.*
Senator Smith moved that the bill be referred to the Committee on Finance.
Motion carried.

*Assembly Bill No. 454.*
Senator Smith moved that the bill be referred to the Committee on Finance.
Motion carried.

SECOND READING AND AMENDMENT

*Assembly Bill No. 18.*
Bill read second time.
The following amendment was proposed by the Committee on Transportation.

*Amendment No. 755.*
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.

Thank you, Mr. President. *Amendment No. 755 to Assembly Bill No. 18* authorizes the Department of Transportation, in cooperation with local governments, to adopt through regulation, procedural documents that address the process by which highways and roads are relinquished. The amendment transfers the authority to approve the procedural documents from the Department of Transportation's Board of Directors to the Legislature. Thank you.

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

*Assembly Bill No. 20.*
Bill read second time and ordered to third reading.

*Assembly Bill No. 223.*
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.

*Amendment No. 764.*
Senator Goicoechea moved the adoption of the amendment.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Amendment No. 764 to Assembly Bill No. 223 requires that notice be given to a tenant 15 days prior to the date of sale of a foreclosed property. It adds definitions of Category I and Category II peace officer and of the Peace Officers' Standards and Training Commission. It also provides that a constable of a township containing a city with a population of 150,000 or more (currently Henderson, Las Vegas, North Las Vegas and Reno) must become certified by the Peace Officers' Standards and Training Commission as a Category I or II peace officer within one year of taking his or her position and allows the Peace Officers' Standards and Training Commission to grant a six-month extension of this requirement. The amendment prohibits a constable or a deputy constable in a township that has within its boundaries a city with a population of less than 150,000 from making arrests. It deletes reference to a county with a population of 700,000 or more and inserts 150,000 city population standard regarding Peace Officers' Standards and Training Commission certification of deputy constables as Category II peace officers. It requires that every constable must become a Peace Officers' Standards and Training Commission certified peace officer within one year of becoming a constable and allows the Peace Officers' Standards and Training Commission to grant an extension of up to six months. Finally, it provides that provisions requiring Peace Officers' Standards and Training Commission certification apply prospectively to those who are appointed or take office after the effective date of the bill. Thank you.

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

Assembly Bill No. 312.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.
Amendment No. 801.
Senator Hammond moved the adoption of the amendment.
Remarks by Senator Hammond.
Thank you, Mr. President. Amendment No. 801 to Assembly Bill No. 312 replaces language originally in the bill providing that the Charter Committee will meet jointly with the Board of Supervisors of Carson City to advise the Board in regard to the Committee’s recommendations for amendments to the Charter. It also provides that, should the Board elect to submit the Committee’s recommendations to the Legislature the Committee will assist in the preparation and presentation of the recommendations. Should the Board choose not to submit the Committee’s recommendations to the Legislature as one of its approved measures, the Committee may vote to authorize one of its members to seek sponsorship of the measure by one of the legislators representing Carson City. The member is prohibited from representing that the Board approved or supported the measure. Thank you.

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

Assembly Bill No. 351.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services.
Amendment No. 835.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 835 to Assembly Bill No. 351 converts the measure into a study. Specifically, the amendment requires the Legislative Committee on Health Care to study laws related to prohibiting specified amounts of certain substances in a person’s blood or urine while driving and how such laws apply to persons authorized to use marijuana for medical purposes. Thank you.

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

Assembly Bill No. 453.
Bill read second time.
The following amendment was proposed by the Committee on Transportation.
Amendment No. 765.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 765 to Assembly Bill No. 453 clarifies that the bill is meant for fleet and/or commercial insurance policies and does not change the definition of a fleet with regard to registration. Thank you.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 395.
Bill read third time.
The following amendment was proposed by the Committee on Finance.
Amendment No. 810.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 810 to Senate Bill No. 395 guts the bill, and creates a study that would be put forward by the Advisory Commission on the Administration of Justice, rather than having the Attorney General prepare and publish items. Thank you.

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

Senate Bill No. 430.
Bill read third time.
The following amendment was proposed by the Committee on Finance.
Amendment No. 794.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 794 to Senate Bill No. 430 mandates implementation of an electronic system that deals with “long hauling,” instead of authorizing it. It also authorizes the Taxicab Authority to set a fee for the establishment of it, rather than establishing it in statute. It requires authorization of electronic hailing services if a licensee requests it from the Authority, and various other matters properly relating thereto the issue of long hauling. Thank you.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

**Assembly Bill No. 35.**
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. *Assembly Bill No. 35* relates to elections. Amendment No. 830 to *Assembly Bill No. 35* strikes new language that sets out the circumstances that will not be considered coordinated expenditures with a candidate or group of candidates, and makes changes throughout the bill to reflect this change. Thank you.

Senator Roberson moved that the Senate recess subject to the call of the Chair.
Motion carried.
Senate in recess at 1:50 a.m.

**SENATE IN SESSION**

At 1:55 p.m.
President Krolicki presiding.
Quorum present.

**MOTIONS, RESOLUTIONS AND NOTICES**

Senator Smith moved that *Assembly Bill No. 35* be taken from the General File and placed at the bottom of the General File for this agenda.
Motion carried.

**SECOND READING AND AMENDMENT**

*Assembly Bill No. 170.*
Bill read second time.
The following amendment was proposed by the Committee on Commerce, Labor and Energy.

**Amendment No. 838.**
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.
Thank you, Mr. President. Amendment No. 838 to *Assembly Bill No. 170* prohibits an advanced practice registered nurse from prescribing a controlled substance listed in Schedule 2 unless the nurse has at least two years, or 2,000 hours of clinical experience, or the controlled substance is prescribed pursuant to a protocol approved by the collaborating physician. Thank you.

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

**GENERAL FILE AND THIRD READING**

*Assembly Bill No. 48.*
Bill read third time.
Senator Spearman moved that Assembly Bill No. 48 be taken from the General File and placed at the bottom of the General File for this agenda. Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Assembly Bill No. 147 be taken from the General File and placed at the bottom of the General File for this agenda. Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 176.
Bill read third time.
The following amendment was proposed by Senator Manendo.
Amendment No. 860
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 860 to Assembly Bill No. 176 expands the notice provisions, by requiring notice in any documents or publications listing the vehicles to be sold, to help ensure consumers are notified that emissions compliance is not guaranteed by the consignee. Thank you.

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

Assembly Bill No. 189.
Bill read third time.
Remarks by Senators Spearman and Gustavson.

SENIOR SPEARMAN:
Thank you, Mr. President. Assembly Bill No. 189 creates a new tier of not more than 5 special license plates that may be issued by the Department of Motor Vehicles, in addition to the existing 30 special license plates, if the applicant posts a surety bond in the amount of $20,000 and demonstrates the issuance of at least 3,000 plates to illustrate the viability of the plates. The bond and the minimum number of applications necessary to qualify for issuance of the existing 30 special license plates remain unchanged by this bill at $5,000 and 1,000 applicants, respectively. This bill is effective upon passage and approval for the purpose of performing preparatory administrative tasks, and on July 1, 2013, for all other purposes. Thank you.

SENIOR GUSTAVSON:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 189. We discussed this bill in committee, and as the presenter stated, this creates a new tier of specialty license plates and it will put that new tier in front of the people who have been waiting years to get their specialty license plates. I do not think we should be creating this new tier. People who have been waiting for specialty license plates for years, they waited to get on a list, and now that they have the plates approved they will have to wait for someone else. For that reason I do not support this bill. Thank you.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.
Senate in recess at 2:07 p.m.

SENATE IN SESSION

At 2:28 p.m.
President Krolicki presiding.
Quorum present.

Roll call on Assembly Bill No. 189:
YEAS—16.
NAYS—Atkinson, Cegavske, Gustavson, Settelmeyer, Smith—5.

Assembly Bill No. 189 having received a two-thirds majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Bill read third time.
Senator Segerblom moved that Assembly Bill No. 202 be taken from the General File and placed on the General File for the next agenda
Motion carried.

Assembly Bill No. 209.
Bill read third time.
Remarks by Senators Kieckhefer, Hardy and Smith.

SENATOR KIECKHEFER:
Thank you, Mr. President. Assembly Bill No. 209 provides that raw milk certified by the county milk commission where it is produced can be sold anywhere in the State. A county milk commission is required to adopt regulations relating to the labeling of certified raw milk, daily testing, liability insurance and the establishment of certain fees and charges to defray costs. The bill also prohibits raw milk from being imported to Nevada.

I had some consternation over this bill due to some testimony against it by public health officials, although I do believe the regulations and controls put in place will help ensure the safety of the consumer. This bill is really designed to foster the creation of a professional raw milk dairy industry which is very different than drinking milk from a cow behind their house. I encourage passage. Thank you.

SENATOR HARDY:
Thank you, Mr. President. I think the testimony of the public health officials was accurate. Bottom line is pasteurization works, it decreases illness, especially in young people. If you consider that raw milk is usually safe, you recognize that sometimes it is not safe. That exception can result in illness, but also possibly in death. Thank you.

SENATOR SMITH:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 209. Along with my colleague, the good doctor from Senate District No. 12, I listened carefully to our own State health officer testifying in opposition to this bill. Both the Northern Nevada and Southern Nevada health district representatives testified in opposition as well. While I understand the desire for the dairy industry to be able to closer monitor this business and provide better service to Nevadans, I am deeply concerned about hearing my own State health officer say she could not support this legislation. I will be voting no. Thank you.
Roll call on Assembly Bill No. 209:
YEAS—17.
NAYS—Ford, Hardy, Smith, Spearman—4.

Senate Bill No. 209 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 227.
Bill read third time.
Remarks by Senators Goicoechea, Hutchison, Cegavske, Atkinson and Denis.

SENATOR GOICOECHEA:
Thank you, Mr. President. Assembly Bill No. 227 creates the Nevada Land Management Task Force that will be funded by the Nevada Association of Counties and the counties that participate in the Task Force. They are charged with five duties. First and foremost, is the identification of lands to be transferred and the interest, rights and uses associated with those lands. I think there has been some apprehension because we do have split estates in Nevada where the mineral rights are held by one party and the surface rights held by another—even on public lands. Since this language was brought forward and drafted during this Legislative Session, we have had three other states adopt the same language: New Mexico, Montana and Idaho. They have shorter legislative sessions than we do, so they have passed their legislation already.

The question continues to be asked, “What are we going to do with our public lands? Why don’t we have control over them?” This bill seeks to answer some of those questions. It has no “teeth”—there is nothing that would conflict with Congressional action or some change in policy. There are no demands like House Bill 148 in Utah. That legislation said federal lands would be returned to the state. Unfortunately, however, they did not answer the questions around what lands and how to manage. Arizona also brought a similar bill but they did not say what lands they wanted transferred; unfortunately the voters there would not support the Grand Canyon going back into state ownership. I don’t blame them. Our bill will answer a lot of the questions that are out there. It is under the oversight of the Interim Committee on Public Lands. They will meet and report at regular meetings. In the end, data will be submitted to the Interim Committee on Public Lands so it can then be brought forward to this Body. I think it is a good bill. I hope I can enjoy your support. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise in support of Assembly Bill No. 227. I am in support of the Nevada Land Management Task Force. There is a very important matter that needs to be addressed by this Task Force, and that is why haven’t the public lands been transferred to the Western states as they have to the Eastern states. If you look at a map of the United States, the vast majority of the land is under the control of the federal government west of the Rocky Mountains; east of the Rocky Mountains the situation is different. It is appropriate for the Task Force to take a look at this question and determine what needs to be done. They can consider whether there should be a transfer of the public lands to this State, as well as to private entities. Thank you.

SENATOR CEGAVSKE:
Thank you, Mr. President. I rise in support of Assembly Bill No. 227. I want to thank my colleagues from the rural areas for all of their hard work, and for educating me. This is a national issue, and the Western states have geared up together. Resolution of this issue is extremely important to our State’s economy. I urge your support. Thank you.
SENATOR ATKINSON:
Thank you, Mr. President. I have a question about an issue that keeps coming up in the Council of State Governments–WEST’s Public Land and Water Management Committee. Utah and Arizona, their delegations speak out on this quite a bit during our annual meetings. They did a proclamation to the United States Congress, urging them to do exactly what is being proposed in this bill. I want to know if the United States Congress does take action, will this still be necessary? Thank you.

SENATOR GOICOECHEA:
Thank you, Mr. President. A lot of these other states have come forward with proclamations and resolutions. They have made demands there should be Congressional action to return those lands back to the Western states on an equal footing basis like the Eastern states. We felt it would be better to have the answers. Let’s really look at how we would manage those lands and what lands should be transferred. Let’s see who had what interest in those lands. Let’s have the answers before we go forward and say we want the lands back. We might not be able to afford to have them back. That is the scary part. Thank you.

SENATOR DENIS:
Thank you, Mr. President. Could we have a discussion about the concerns raised by the Western Shoshone Tribe about their ability to participate. Could someone comment on that please? Thank you.

SENATOR GOICOECHEA:
Thank you, Mr. President. Yes, the first part of the bill talks about the interested parties. There is no doubt this will be a full-blown open meeting process. It has to be. There are clearly tribal interests in these lands. Thank you.

SENATOR DENIS:
Thank you, Mr. President. I would like to comment that I appreciate the way this has been put together. I am in support of Assembly Bill No. 227. Thank you.

Roll call on Assembly Bill No. 227:
YEAS—21.
NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 236.
Bill read third time.

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

Senate in recess at 2:45 p.m.

SENATE IN SESSION

At 2:49 p.m.
President Krolicki presiding.
Quorum present.
MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 236 be taken from the General File and placed on the General File of the next agenda.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 264.
Bill read third time.
Remarks by Senators Manendo and Ford.

SENATOR MANENDO:
Thank you, Mr. President. Assembly Bill No. 264 makes a second or subsequent violation of the statutory prohibition against feeding estray or feral livestock a gross misdemeanor. The bill also establishes a gross misdemeanor for the taking up or possession of estray or feral livestock by a person who is not the owner and does not have the owner’s consent. Any such cooperative agreement must provide for the cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement. Thank you.

SENATOR FORD:
Thank you, Mr. President. I rise in support of Assembly Bill No. 264. I want to let the Body know—I found it astonishing that under our current state of the law there really is no punishment for those who violate this law more than once. The police will go out if someone violates the law and feeds some feral horses, giving them a slap on the hand—a warning. The second time, the same warning happens. There is literally nothing else that can be done. So I support this. We need to strengthen law enforcement’s authority to enforce this regulation. Thank you.

Roll call on Assembly Bill No. 264:
YEAS—21.
NAYS—None.

Assembly Bill No. 264 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 300.
Bill read third time.
Remarks by Senator Brower.
Thank you, Mr. President. Assembly Bill No. 300 revises the information that must be included in the affidavit of authority to exercise the power of sale on a deed of trust. The bill requires the information in the affidavit to be based upon the direct, personal knowledge of the affiant or personal knowledge acquired by a review of the business records of the beneficiary, the beneficiary’s successor in interest or the servicer of the obligations or debt secured by the deed. This bill is a product of a lot of hard work over the last year or so on the part of many including the Attorney General’s office, several of you from this Chamber and the private sector. It passed unanimously out of the Senate Committee on Judiciary. We all urge your support. Thank you.

Roll call on Assembly Bill No. 300:
YEAS—21.
NAYS—None.
Assembly Bill No. 300 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.


Thank you, Mr. President. Assembly Bill No. 303 authorizes the Board of the Public Employees’ Benefits Program to approve the payment of an additional amount, from any money that is available for that purpose, to increase the subsidy for a retired person with State service who obtains their health insurance coverage through an individual medical plan offered pursuant to Medicare. This measure is effective on July 1, 2013. On March 29, 2012, the Public Employees’ Benefits Program Board voted to spend down $29.4 million in unrestricted or excess reserves. Again on March 21, 2013, the Public Employees’ Benefits Program Board voted to spend down $47 million in unrestricted or excess reserves. While the Public Employees’ Benefits Program Board was able to use this money in various ways to help members including, but not limited to, mitigating rate increases and providing one-time contributions to Health Savings Accounts and Health Reimbursement Accounts, one option that was not available to them per State law was an additional payment to the subsidy for Medicare-eligible retirees. This measure is effective upon passage and approval. Thank you.

Roll call on Assembly Bill No. 303: YEAS—21. NAYS—None.

Assembly Bill No. 303 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 324. Bill read third time. Remarks by Senators Atkinson, Hardy and Hutchison.

SENATOR ATKINSON: Thank you, Mr. President. Assembly Bill No. 324 provides for the regulation of practical dental assistants and certified Nevada dental assistants by the Board of Dental Examiners of Nevada. The bill specifies that a practical dental assistant or certified Nevada dental assistant may only perform intraoral tasks and dental procedures authorized by the Board and under the supervision of a licensed dentist or dental hygienist. It prescribes qualifications, terms of the certificate of registration, continuing education requirements and fees for the initial application and biennial renewal or reinstatement of a certificate of registration. It also requires the Board to adopt regulations to carry out the bill’s provisions. This bill is effective on passage and approval for the purposes of adopting regulations and performing other preparatory administrative tasks and on July 1, 2015, for all other purposes. Thank you.

SENATOR HARDY: Thank you, Mr. President. I rise in opposition to the Assembly Bill No. 324. My dental friends watch the assistants under very close supervision. I don’t think we need this level of regulation. Thank you.

SENATOR HUTCHISON: Thank you, Mr. President. I also rise in opposition to Assembly Bill No. 324. I could support the bill if there was evidence of a public health risk with unlicensed dental assistants. However,
there is none that I became aware of during the course of testimony in committee. In fact, according to the Nevada Dental Association, dental assistants are the most supervised members of the dentist’s team. *Nevada Revised Statutes* and the *Nevada Administrative Code* already establish what a dental assistant may do. The dentist is responsible professionally and legally for their assistants. Five thousand dental assistants are working fine without any evidence of an enhanced risk to public health or safety. In my view, this legislation is unnecessary. Thank you.

Roll call on **Assembly Bill No. 324**:

**YEAS**—9.

**NAYS**—Brower, Cegavske, Denis, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer, Spearman—12.

Assembly Bill No. 324 having not having received a two-thirds majority, Mr. President declared it failed.

**MOTIONS, RESOLUTIONS AND NOTICES**

Senator Smith moved that Assembly Bill No. 348 be taken from the General File and placed at the bottom of the General File for this agenda. Motion carried.

**GENERAL FILE AND THIRD READING**

Assembly Bill No. 349.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 349 authorizes a regulatory body to grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of a veteran of the Armed Forces of the United States, to practice his or her respective profession in this State. A qualified health care professional who receives a license by endorsement is entitled to a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory for the purposes of authorizing a licensee to practice concurrently in Nevada and another jurisdiction. The bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient. A medical facility, other than a hospital, must have credentialing and privileging standards and a process for peer review, and a physician or committee of physicians to oversee those standards and the process for peer review. This bill is effective on July 1, 2013. Thank you.

Roll call on **Assembly Bill No. 349**:

**YEAS**—21.

**NAYS**—None.

Assembly Bill No. 349 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Assembly Bill No. 364.

Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 364 increases, from not more than 15 to not more than 39 working days in a calendar year, the period during which certain public officers or employees of the State who are active members of specified military groups must be relieved from their duties to serve under orders without loss of compensation. These provisions apply to officers and employees whose work schedules include Saturday or Sunday, and such an absence may not be part of the employees’ annual vacation. The relevant military groups include the United States Army Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve or the Nevada National Guard. Thank you.

Roll call on Assembly Bill No. 364:
YEAS—21
NAYS—None.

Assembly Bill No. 364 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 377.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 377 provides that a person who is or was employed or volunteering in a position of authority at a school and who has sexual conduct with a pupil with whom the person has or had contact in the course of performing his or her duties is guilty of a felony: the pupil is or was enrolled in or attending the school at which the person is or was employed or volunteering, or the person had contact with the pupil in the course of performing his or her duties as an employee or volunteer. The bill provides that if the pupil is 16 or 17 years of age, the crime is a Category C felony, and if the pupil is 14 or 15 years of age, the crime is a Category B felony. Thank you.

Roll call on Assembly Bill No. 377:
YEAS—21.
NAYS—None.

Assembly Bill No. 377 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 442.
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. Assembly Bill No. 442 sets forth the criteria that may be considered by the Secretary of State in determining whether to waive the daily penalty for a failure to file timely campaign finance or registration reports by certain candidates, committees, persons, political organizations or other entities. The bill is effective on July 1, 2013. Thank you.

Roll call on Assembly Bill No. 442:
YEAS—21.
NAYS—None.
Assembly Bill No. 442 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 445.
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. Assembly Bill No. 445 requires the Department of Administration to establish a location on the State’s official website on which public bodies must post notices of open meetings. Notices required by the Open Meeting Law must be posted on the State’s website not later than 9 a.m. of the third working day before the meeting. Such notices must include a link to the public body’s website or an e-mail address for contacting the public body. The Department must also establish a directory of public bodies and include it on the State’s official website in a clear and conspicuous location. The Department may adopt regulations as needed. The State must have a designated location on its website in operation by January 1, 2014, for the posting of notices by State entities. Public bodies of local government must begin posting notices of open meetings no later than July 1, 2014. The bill is effective on January 1, 2014, with regard to the posting requirements, and upon passage and approval for all other purposes. Thank you.

Roll call on Assembly Bill No. 445:
YEAS—21.
NAYS—None.

Assembly Bill No. 445 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 448.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 448 authorizes the Adjutant General to accept federal funding for personnel support and equipment supplies, arms and facilities through the United States Property and Fiscal Officer for Nevada as authorized under federal law, and it requires that any money received be deposited in the State Treasury. The bill also allows a security deposit to be required for the rental of a facility or an armory or space within an armory and authorizes the use of the money generated from the rental of such space to make repairs, construct new facilities, fund various military activities and further community and State relations. Finally, the bill deletes obsolete language referring to a $100 payment that could be made to certain Nevada National Guard members upon their return from deployment to a combat zone. Thank you.

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

Assembly Bill No. 448 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Assembly Bill No. 449.
Bill read third time.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Assembly Bill No. 449 eliminates the provision in Section 690 of Chapter 440 of Nevada Revised Statutes that requires fees received for vital records services to be remitted to the State General Fund. Vital records fees will be permitted to be retained within the Division of Public and Behavioral Health to administer and carry out the provisions of Chapter 440 of Nevada Revised Statutes. This bill implements a recommendation included in the Executive Budget and approved by the money committees in closing the Health Statistics and Planning budget for the 2013-15 biennium. Thank you.

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

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

Assembly Bill No. 455.
Bill read third time.
Remarks by Senator Gustavson.
Thank you, Mr. President. Assembly Bill No. 455 makes various changes to requirements and processes concerning special license plates. Specifically, the bill: (1) revises and expands the types of information that must be provided to the Department of Motor Vehicles in an application for a special license plate; (2) requires that the Commission on Special License Plates compile and make publicly available certain information regarding special license plates that the Commission has recommended for approval; (3) changes from September 1 to July 1 the deadline by which certain charitable organizations that receive additional fees from special license plates must provide to the Commission and the Department of Motor Vehicles certain contact information; and (4) revises the process of determination, hearing, appeal and potential adverse action if a charitable organization that receives additional fees from special license plates is found to have failed to provide certain required information or to have committed improper practices of financial administration. This bill is effective on July 1, 2013. Thank you.

Roll call on Assembly Bill No. 455:
YEAS—21.
NAYS—None.

Assembly Bill No. 455 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 456.
Bill read third time.
Remarks by Senators Hardy and Cegavske.

Senator Hardy:
Thank you, Mr. President. Assembly Bill No. 456 requires that an advertisement for health care services include certain information regarding the qualifications of a health care professional to whom the advertisement pertains, including any license or certification held by the professional. Such advertisements must not include any deceptive or misleading information,
and a health care professional must communicate his or her specific licensure to all current and prospective patients, including a written disclosure statement that is conspicuously displayed in the office. The measure requires a health care professional to comply, as applicable, with such advertising and disclosure statements in each office he or she practices, prescribes the format for certain advertisements and disclosures, and sets forth certain exceptions to such requirements. The measure requires a health care professional, while providing care other than sterile procedures in a health care facility, to wear a name tag that indicates his or her specific licensure or certification. The bill also prohibits a health care professional from holding him or herself out as “board certified” unless the name of the board is disclosed and that board meets certain requirements. This bill is effective on January 1, 2014. Thank you.

SENATOR CEGAVSKE:
Thank you, Mr. President. I want to thank my colleagues from Senate District No. 9 and Senate District No. 4 for working with me. I had a similar bill in the Assembly that was merged with this one. I thank them for including me, and making sure this good legislation was merged with the other. Thank you.

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

Assembly Bill No. 456 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 459.
Bill read third time.
Remarks by Senator Ford.
Thank you, Mr. President. Assembly Bill No. 459 authorizes a board of trustees of a school district to donate surplus personal property to other school districts in Nevada without regard to the notice, bidding, auction or other requirements for the disposal of a local government’s personal property. Likewise, this bill authorizes a school district to accept donations of surplus personal property from another district. It also clarifies the circumstances under which an oversight panel must hold meetings and submit reports to the Legislature. Thank you.

Roll call on Assembly Bill No. 459:
YEAS—21.
NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 460.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. Assembly Bill No. 460 removes the school accountability provisions contained in Chapter 385 of the Nevada Revised Statutes, and it requires Nevada’s Department of Education to establish a single statewide system of accountability for all public schools and districts, regardless of their Title I status. The bill requires the new accountability system to continue to comply with the applicable requirements of federal law and sets forth certain elements that must be included in the system. It also requires the Department to monitor
the impact of eliminating certain mandated supplemental services and school choice options and report to the Legislative Committee on Education during the legislative interim. This measure also calls for the reporting of student honor code violations at the high school level and the inclusion of the information in the annual accountability reports submitted by school districts and the State Board of Education. Thank you.

Roll call on Assembly Bill No. 460:
YEAS—21.
NAYS—None.

Assembly Bill No. 460 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 471.
Bill read third time.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Assembly Bill No. 471 provides for an appropriation of $519,243 for the Health Statistics and Planning program within the Health Division of the Department of Health and Human Services. This appropriation is made so that the Health Statistics and Planning program may repay a General Fund advance received for fiscal year 2013 pursuant to Senate Bill No. 503 of the 2011 Legislature (the Authorizations Act) in an equal amount. Thank you.

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

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

Assembly Bill No. 478.
Bill read third time.
Remarks by Senator Smith.
Thank you, Mr. President. I rise in support of Assembly Bill No. 478 which appropriates $14,803 from the State General Fund to the Nevada Highway Patrol Division of the Department of Public Safety as reimbursement for unanticipated visiting dignitary protection assignments. The costs of protection for dignitaries visiting Nevada in fiscal year 2013 are projected to exceed the monies budgeted for this purpose. Thank you.

Roll call on Assembly Bill No. 478:
YEAS—21.
NAYS—None.

Assembly Bill No. 478 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 483.
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. Assembly Bill No. 483 directs the State Engineer to charge a fee of not more than $1,000 each for four applications made by the Department of Wildlife in 1975 to appropriate drain and flood waters in the Humboldt Sink for wildlife purposes. Thank you.

Roll call on Assembly Bill No. 483:
YEAS—21.
NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 486.
Bill read third time.
Remarks by Senator Hutchison.
Thank you, Mr. President. Assembly Bill No. 486 allows certain telecommunication providers to apply to the Public Utilities Commission of Nevada for relief from the duty to provide basic network and business line service when certain alternative services are available. The measure prescribes the procedures to be followed by the Public Utilities Commission of Nevada in reviewing such an application and allows the Public Utilities Commission of Nevada to require providers to continue service under certain circumstances. The bill also gives the Public Utilities Commission of Nevada the authority to regulate certain telecommunication providers under provisions of federal and State law. Finally, the bill removes obsolete references to telegraph lines and equipment throughout Nevada Revised Statutes. The testimony in the committee hearing established that major telecommunication providers will make substantial investments in infrastructure and services in states like Nevada if this bill passes. It will provide for the continuity, certainty and stability of the legal environment regarding Internet Protocol interconnectivity and broadband services. Thank you.

Roll call on Assembly Bill No. 486:
YEAS—21.
NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 487.
Bill read third time.
The following amendment was proposed by Senator Denis.
Amendment No. 863.
Senator Denis moved the adoption of the amendment.
Remarks by Senators Denis and Settelmeyer.

SENATOR DENIS:
Thank you, Mr. President. Amendment No. 863 to Assembly Bill No. 487 is part of an effort to increase recycling to 40 percent. It requires a contractor to dispose of solid waste produced by the construction, alteration, repair, maintenance or demolition of any building, structure or other improvement work at a materials recovery facility that has been approved to operate pursuant to
regulations of the State Environmental Commission, if such a facility is located within 30 miles of the work site, and if it is located in Clark County. Thank you.

SENATOR SETTELMEYER:
Thank you, Mr. President. I have a question for the sponsor of the amendment: As I read this, it only applies if a county has two materials recovery facilities and is a larger county? Also, if for some reason, this particular amendment or bill ends up going to conference committee, I would appreciate adding reinforced concrete. Thank you.

SENATOR DENIS:
Thank you, Mr. President. My colleague is correct: the bill only applies if there are two materials recovery facilities. As far as reinforced concrete, we tried to get all of the proper materials into the bill, but if we missed one, we can certainly take a look as this bill moves forward.

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

Assembly Bill No. 494.
Bill read third time.
Remarks by Senators Jones and Settelmeyer.

SENATOR JONES:
Thank you, Mr. President. Assembly Bill No. 494 makes several changes to the structure and responsibilities of the Nevada State Funeral Board, including changing the name of the Board to the “Nevada Funeral and Cemetery Services Board.” The number of Board members is increased from five to seven. The bill specifies that the terms of all current Board members expire effective October 1, 2013. The number of required Board meetings per year is increased to at least four, and the Board is required to maintain at least one office located in the State of Nevada; all records of the Board are required to be maintained in State as well. The Board is further required to terminate current employees as of October 1, 2013, who will be replaced on or before December 31, 2013, with newly appointed employees fitting the qualifications established by the Board by regulation. Finally, the bill requires the Board to provide a report of all its activities to the Sunset Subcommittee of the Legislative Commission within six months of appointment. Thank you.

SENATOR SETTELMEYER:
Thank you, Mr. President. I realize I will probably be the only person voting in opposition to Assembly Bill No. 494, and here is why: I served on the Sunset Subcommittee of the Legislative Commission that was put together by one of my colleagues who represents Carson City. Under a previous bill, the Subcommittee went through 20 different agencies and came up with only three that were proposed to be eliminated. One of the other members of the Subcommittee suggested we weren’t reviewing enough agencies, that we should be going through our reviews in a more in-depth way. Later he commented about how hard it is to get rid of a government agency. This Board was one of the three recommended by that Subcommittee to be eliminated. The Board complained so here we are, adding a fee to the agency. I am voting no on this bill. Thank you.

Roll call on Assembly Bill No. 494:
YEAS—19.
NAYS—Gustavson, Settelmeyer—2.

Assembly Bill No. 494 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Assembly Bill No. 496.
Bill read third time.
Remarks by Senators Kihuen and Cegavske.

SENATOR KIHUEN:
Thank you, Mr. President. Assembly Bill No. 496 makes various changes to the Clark County Sales and Use Tax Act of 2005. These changes include: (1) temporarily suspending the provisions which prohibit these tax revenues from supplanting or replacing existing funding for police departments until July 1, 2016; (2) requiring additional reports to be filed relating to the expenditure of revenues during the period which these provisions are suspended; (3) resetting the base year for determining when the use of these sales tax revenues supplant or replace existing revenues; and (4) authorizing the imposition of an additional sales and use tax rate of up to 0.15 percent in Clark County, which may become effective no earlier than October 1, 2013 and must expire on or before September 30, 2017. In order to become effective, the rate must be approved by a two-thirds majority of the Clark County Commission. This act becomes effective upon passage and approval. Sections 1 and 2 of this act expire by limitation on October 1, 2025. Thank you.

SENATOR CEGAVSKE:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 496. I have been here since the time this bill was initially tried for in the Legislature. Last Session, passage of this bill was attempted, and failed. I indicated it needs to go back to the vote of a people because of the changes. I along with other legislators are concerned about supplanting—the supplanting language has been removed. The people had certain language that was given to them; they voted on it according to how it was presented. I think it is only fair, before this is implemented, that it go back to the people for a final decision. Those are the reasons I stand in opposition to the bill. Thank you.

Roll call on Assembly Bill No. 496:
YEAS—18.
NAYS—Cegavske, Gustavson, Settelmeyer—3.

Assembly Bill No. 496 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. 50 be taken from its place on the General File for this agenda and placed at the top of the General File of the second agenda.
Motion carried.

GENERAL FILE AND THIRD READING
Assembly Joint Resolution No. 3.
Bill read third time.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Assembly Joint Resolution No. 3 expresses the Legislature’s intent to establish and encourage the creation of a biomass industry in Nevada, in order to expand efforts to manage pinyon juniper woodlands and restore certain ecosystems on public lands. The measure also encourages Congress to extend the authority of the Bureau of Land Management and the United States Forest Service to enter into stewardship contracts or agreements for
management and restoration projects on public lands beyond the current expiration date, and to extend the maximum length of those contracts or agreements to 20 years. Thank you.

Roll call on Assembly Joint Resolution No. 3:
YEAS—21.
NAYS—None.

Assembly Joint resolution No. 3 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 35.
Bill read third time.
The following amendment was proposed by Senator Spearman.
Amendment No. 830.
Senator Spearman moved the adoption of the amendment.
Remarks by Senators Spearman and Kieckhefer.

SENATOR SPEARMAN:
Thank you, Mr. President. Assembly Bill No. 35 relates to elections. Amendment No. 830 to Assembly Bill No. 35 strikes new language that sets out the circumstances that will not be considered coordinated expenditures with a candidate or group of candidates, and makes changes throughout the bill to reflect this change. Thank you.

SENATOR KIECKHEFER:
Thank you, Mr. President. Similar to my remarks made yesterday, I stand to reiterate that the removal of Section 4.5 from this legislation reduces clarity when it comes to issues of coordination between candidates and outside groups. Putting some definition into statute would provide the clarity people are looking for about independent expenditures. For that reason, I oppose Amendment No. 830 to Senate Bill No. 35. Thank you.

Motion carried on a division of the house.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 48.
Bill read third time.
The following amendment was proposed by Senator Spearman.
Amendment No. 854.
Senator Spearman moved the adoption of the amendment.
Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 48 relates to elections. Amendment No. 854 to Assembly Bill No. 48 revises the definition of “independent expenditure” to strike the provision related to coordinated expenditures. Thank you.

Motion carried on a division of the house.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.
MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 147 be taken from the General File and placed at the top of the General File for the second agenda. Motion carried.

Senator Smith moved that Assembly Bill No. 202 be taken from the General File on the second agenda and placed on the General File for this agenda. Motion carried.

GENERAL FILE AND THIRD READING

Bill read third time.

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

Senate in recess at 3:47 p.m.

SENATE IN SESSION

At 3:55 p.m.
President Krolicki presiding.
Quorum present.

The following amendment was proposed by Senator Segerblom
Amendment No. 829.

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

Thank you, Mr. President. For everyone who was here yesterday and heard the heated debate about juveniles and when they might be treated as adults versus when they are treated as part of the juvenile justice system, I have come up with a solution, which is Amendment No. 829 to Assembly Bill No. 202, and Amendment No. 867 to Assembly Bill No. 202 will be soon proposed by my colleague from Senate District No. 15.

Amendment No. 829 to Assembly Bill No. 202 raises the age to 16 years so that anyone 16 and older will be treated as an adult for murder or attempted murder. For ages 15 years, 14 years and 13 years, the prosecutor can approach the court and ask the court to certify them as adults. For ages 13 years and under, individuals will be treated as juveniles.

These two amendments—Amendment No. 829 and Amendment No. 867 to be proposed by my colleague from Senate District No. 15—work together. We propose you adopt them both. Thank you.

Amendment adopted.

The following amendment was proposed by Senator Brower.
Amendment No. 867.

Senator Brower moved the adoption of the amendment.
Remarks by Senators Segerblom, Hammond, Hutchison and Hardy.
Thank you, Mr. President. As my colleague from Senate District No. 3 said, we have worked out a compromise on Assembly Bill No. 202. The amendment I am proposing is Amendment No. 867. I appreciate the cooperation and the hard work of everyone who was involved, both from this Chamber and off the floor. This is a reasonable compromise that should garner unanimous support. We are doing the amendments this way at the urging of legal counsel; we are running short on time, and this, we believe, is the most efficient way of handling it. Thank you.

SENATOR HAMMOND:
Thank you, Mr. President. I rise in support of both Amendment No. 867, as well as Amendment No. 829 that was just adopted. I think this is a great compromise that came as a result of much negotiating. This is a reasonable conclusion. I wanted to express my support. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. Yesterday I expressed some concerns about Assembly Bill No. 202. I want to make the record clear that I am in support of both Amendment No. 867 and Amendment No. 829 to Assembly Bill No. 202. I urge passage. Thank you.

SENATOR HARDY:
Thank you, Mr. President. I concur. I support both of the amendments to Assembly Bill No. 202. Thank you.

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

Assembly Bill No. 348.
Bill read third time.
The following amendment was proposed by Senator Jones.
Amendment No. 839.
Senator Jones moved the adoption of the amendment.
Remarks by Senators Jones and Hardy.

SENATOR JONES:
Thank you, Mr. President. Amendment No. 839 to Assembly Bill No. 348 strips out the fee provisions that were contained in the bill. Thank you.

SENATOR HARDY:
Thank you, Mr. President. I rise in support of Assembly Bill No. 348. I talked with folks in Clark and Washoe Counties and the bill will not put any new burden on a foster parent. It will, likewise, not have an adverse effect on the current adoption subsidy which is close to the foster parent subsidy. When I was talking with Clark and Washoe Counties I was concerned about how we need to encourage adoption, and this does exactly that by removing the fee or fine for a home study that is done for adoptions, even for a fostering family. A home study is required for adoptions. In as much as these County folks are in a position to do them, they do not feel it is onerous to have the home study done at the currently discounted rate. Then they can have the adoptions take place by any other adoption agency. The foster agencies then—with the first and second amendments that have been included in this reprint trying to alleviate some of the concerns—can have the fees removed, including the fees for the punitive fines when they are investigating a potential harmful variance from expected care. The issues of regulation are going to have to be worked on in my opinion. The foster agencies then have some new obligations, some of which will be considered onerous.

There are sections in the amendment that talk about the levels of education requirements, one of which is seven years and a Bachelor’s Degree. If you look at the seven year requirement—and another program supervisor, for example, has a three-year requirement, and a case worker has a
two-year requirement—my question is where are you going to get the people with all of this institutional time and experience? I have not heard a good answer to this question yet, but they are going to work on it. I am in support of the amendment. Thank you.

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

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senator Parks moved that the Senate concur in the Assembly Amendment No. 635 to Senate Bill No. 22.
Motion carried.
Bill ordered enrolled.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 678 to Senate Bill No. 25.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 682 to Senate Bill No. 38.
Motion carried.
Bill ordered enrolled.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 679 to Senate Bill No. 39.
Motion carried.
Bill ordered enrolled.

Senator Jones moved that the Senate concur in the Assembly Amendment No. 607 to Senate Bill No. 54.
Motion carried.
Bill ordered enrolled.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 715 to Senate Bill No. 66.
Motion carried.
Bill ordered enrolled.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 689 to Senate Bill No. 82.
Motion carried.
Bill ordered enrolled.

Senator Jones moved that the Senate concur in the Assembly Amendment No. 606 to Senate Bill No. 100.
Motion carried.
Senator Parks moved that the Senate concur in the Assembly Amendment No. 618 to Senate Bill No. 135.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 729 to Senate Bill No. 141.
Motion carried.
Bill ordered enrolled.

Senator Kihuen moved that the Senate concur in the Assembly Amendment No. 713 to Senate Bill No. 152.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 623 to Senate Bill No. 169.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 660 to Senate Bill No. 199.
Motion carried.
Bill ordered enrolled.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 6902 to Senate Bill No. 213.
Motion carried.
Bill ordered enrolled.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 720 to Senate Bill No. 273.
Motion carried.
Bill ordered enrolled.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 609 to Senate Bill No. 305.
Motion carried.
Bill ordered enrolled.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 610 to Senate Bill No. 345.
Motion carried.
Bill ordered enrolled.
MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Senate Bill No. 228 be taken from the Unfinished Business and placed on the Unfinished Business or the next agenda.
Motion carried.

Senator Denis moved that the Senate recess until 5:00 p.m.
Motion carried.

Senate in recess at 4:23 p.m.

SENATE IN SESSION
At 6:04 p.m.
President Krolicki presiding.
Quorum present.

REPORTS OF COMMITTEES
Mr. President:
Your Committee on Finance, to which was re-referred Senate Bill No. 479, 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 was re-referred Senate Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.
Also, your Committee on Finance, to which was referred Senate Bill No. 484, 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 Government Affairs, to which was referred Assembly Bill Nos. 283 and 374 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 Natural Resources, to which were referred Assembly Bill Nos. 345, 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, Chair

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Assembly Bill Nos. 283, 345, 346 and 374 be declared emergency measures under the Constitution.
Motion carried.

Senator Smith moved that Assembly Bill No. 54 be taken from the Secretary's Desk and placed on the General File for this agenda.
Motion carried.
Senator Smith moved that Assembly Bill Nos. 313, 365, 378 be taken from the Secretary’s Desk and placed at the bottom of the General File for this agenda.
Motion carried.

Senator Smith moved that Senate Bill No. 415 be taken from the Secretary’s Desk and placed on the General File.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 484.
Bill read second time.
The following amendment was proposed by the Committee on Finance.
Amendment No. 855.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 855 to Senate Bill No. 484 revises downward the one-shot appropriation from $204,000 to $126,000. Thank you.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Parks moved to withdraw Amendment No. 760 from Assembly Bill No. 283.
Motion carried.

Senator Parks moved to withdraw Amendment No. 758 of Assembly Bill No. 374.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 283.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs.
Amendment No. 866.
Senator Parks moved the adoption of the amendment.
Remarks by Parks.
[Remarks to be inserted in online and hardbound versions.] Thank you, Mr. President. Amendment No. 866 to Assembly Bill No. 283 deletes language from section 2 of the bill in order to maintain the current definition of “contractor” in Chapter 338 of Nevada Revised Statutes. It also adds language expressing legislative intent regarding public works that present unique and complex construction challenges. The definition of “horizontal construction” is expanded to include water treatment facilities and vertical ancillary components thereof, and the applicability of Chapter 338 of Nevada Revised Statutes to transportation-related contracts awarded by the Department of Transportation is also clarified.
Provisions of the bill addressing highway work do not apply in instances where they would preclude the State receiving federal assistance. Counties with populations of less than 100,000 are limited into entering into two construction manager at risk public works projects per calendar year. The amendment also expands the types of work that can be included in an explanation of work experience that an applicant can offer in support of an application for a construction manager at risk project, and a public body must make the names of all construction manager at risk applicants publicly available. Penalties apply if a construction manager at risk makes improper substitutions of subcontractors contrary to statute.

The Department of Transportation is required to conduct a study on the benefits to the State of entering into construction manager at risk contracts for highway work and report back to the Legislature on or before January 31, 2017. Similarly, any public body that enters into a contract for a public work with a construction manager at risk must, on or before January 1 of each year, report to the Legislature or the Legislative Commission as appropriate on the success of any project entered into during the preceding year. Finally, the amendment sunsets all new provisions relating to construction managers at risk on July 1, 2017. Thank you.

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

Assembly Bill No. 345.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources.
Amendment No. 882.
Senator Segerblom moved the adoption of the amendment.
Remarks by Senator Segerblom.
Thank you, Mr. President. Amendment No. 882 to Assembly Bill No. 345 specifies that at least 50 percent of the money credited to the Wildlife Fund Account from the $3 game tag fee must be used specifically for predator control. Thank you.

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

Assembly Bill No. 346.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources.
Amendment No. 883.
Senator Goicoechea moved the adoption of the amendment.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Amendment No. 883 to Assembly Bill No. 346 clarifies that the owner of a pit lake may make the final determination on the ultimate use of the property, and also provides that any private property owner who is consulted regarding the access to a pit lake is under no obligation to allow access to that lake. Thank you.

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

Assembly Bill No. 374.
Amendment No. 872.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. This started off as the Burning Man piece of legislation and grew to be far more than what was initially intended. Amendment No. 872 to Assembly Bill No. 374 is a substantial rewrite of the bill based on a late agreement reached by the bill sponsor and several concerned parties. The amendment strikes language prohibiting a county from regulating, permitting, licensing or requiring a fee for an event that takes place on federal land and is licensed by a federal agency. Instead the amendment provides that a board of county commissioners may enter into agreements with a person or organization that conducts such an event to exempt the event from provisions of applicable county ordinances provided the board is satisfied that the event has met certain requirements including: (1) that the permitting federal agency has ensured that conditions that would otherwise be imposed by the board pursuant to ordinance have been addressed in the permitting process; (2) the event will not present an unreasonable danger to the health or safety of any resident of the county.

The amendment also provides that once entered into such an agreement, cannot be modified or rescinded except by mutual agreement of the parties to the agreement. The person or organization conducting the event is required to call on the services of the county coroner in the event of a death occurring at the event and compensate the coroner for related expenses. Instead of the bill providing for only one agreement between a board of county supervisors and a person or organization that is conducting an event on federal land, the amendment allows for a separate agreement or agreements that may be entered into requiring the county to provide other reasonable and necessary services for the event and to be compensate appropriately. The initial agreement entered into by the parties can extend beyond the terms of the commissioners who entered into it. Finally, the amendment specifically stipulates that no provision of the bill shall be construed to limit the power of the Legislature.

A lot of work went into this amendment, as well as the previous amendment I spoke to on Assembly Bill No. 283. I would like to acknowledge the hard work of the Vice Chair of the Senate Committee on Government Affairs provided on getting both of these bills to where they are today. I certainly hope you will support them. Thank you.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 50.
Bill read third time.

The following amendment was proposed by Senator Smith.

Amendment No. 884.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 884 to Assembly Bill No. 50 clarifies a date regarding when tourism districts may be created, and the benefits that can be taken before or after October 1, 2009. The amendment to the bill is in order to allow it to correspond with other legislation that is in process, rather than conflict. Thank you.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 147 be taken from the General File and placed at the bottom General File for this agenda.
Motion carried.

GENERAL FILE AND THIRD READING

**Senate Bill No. 454.**

Bill read third time.

Remarks by Senators Woodhouse, Kieckhefer and Settelmeyer.

**Senator Woodhouse:** Thank you, Mr. President. Senate Bill No. 454 creates the Silver State Health Insurance Exchange Account, and indicates that money received in the Account does not revert to the General Fund at the end of each fiscal year. Additionally, this bill authorizes the Exchange to offer policies for dental and vision benefits as well as supplemental coverage to individuals purchasing qualified health plans through the Exchange.

The bill revises requirements governing appointment to the Board of Directors of the Silver State Health Insurance Exchange and duties of the Board. Additionally, it repeals unused definitions relating to the Exchange. The bill authorizes insurers to deduct fees imposed by the Exchange before paying tax on any premium written by the qualified health plans offered on the Exchange. The sections of the bill that allow the Exchange to offer dental and vision benefits, and other supplemental coverage, become effective upon passage and approval. All other sections of the bill become effective July 1, 2013. Thank you.

**Senator Kieckhefer:** Thank you, Mr. President. I rise in reluctant support of Senate Bill No. 454 even though my remarks may not indicate it. This bill is consistent with how we close the budget so I think it is important that it pass. It ensures that we do not charge tax on top of a fee that we are also charging; for that reason I think the bill also makes sense. However, there are a lot of underlying policies in this bill that are not good. First, this is a key implementation component of the Affordable Care Act, and it was sold to us originally as an entity that would be self-sustaining and self-sufficient. The Silver State Health Insurance Exchange was going to pay for itself and be a self-funded entity. The Board of the Silver State Health Insurance Exchange has proposed rolling the fees that are charged to fund the Exchange into the overall total premium that will be charged for insurance within the Exchange. They had an option to charge that fee on top of the premium, but chose to roll it in instead. Due to the regulations that have been promulgated by the federal government, however, all premiums, both inside and outside the Exchange for similar plans need to be the same. This means that there will be cost shifts to outside the Exchange in order to finance it. This is the first of what will probably be many “bait and switches” by the federal government over how this program is going to be implemented. The idea that this will be a self-sufficient entity—that it will fund itself based on the fees it generates—is a falsehood. This is the first example of it. In conclusion, while I feel the bill is necessary to pass, unfortunately some of the underlying facts are certainly disheartening. Thank you.

**Senator Settelmeyer:** Thank you, Mr. President. I appreciate the comments of my colleague from Senate District No. 16. He articulated the exact reason why some committee members voted against this bill in the Senate Committee on Commerce, Labor and Energy. We completely concurred with Sections 4, 5 and 6—they make perfect sense. We indicated we were not in agreement with Sections 1, 2 and 3; we felt the type of changes in these Sections should have been done through *Nevada Administrative Code*, rather than *Nevada Revised Statutes*. The most common answer we got from an individual testifying—John Hagar who is the Director of the Silver State Health Insurance Exchange—was “we do not know.” Every time we asked him a question, we got that answer. If the provisions were put in *Nevada Administrative Code* they can remain flexible, so that as the Affordable Care Act continues to evolve it could be dealt with. Therefore, members of the committee were in opposition. Thank you.
Roll call on Senate Bill No. 454:
YEAS—14.

Senate Bill No. 454 having received a Simple majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 479.
Bill read third time.
Remarks by Senator Smith.
Thank you, Mr. President. Senate Bill No. 479 authorizes an insurer to carry forward credits against the premium tax paid for its policies of industrial insurance. The credits do not expire and may be carried forward into subsequent years until entirely used. This piece of legislation will clear up some legal issues that have been pending around this matter. Thank you.

Roll call on Senate Bill No. 479:
YEAS—21.
NAYS—None.

Senate Bill No. 479 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 395.
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. Senate Bill No. 395 defines “collateral consequence of conviction” and requires the Attorney General to prepare and publish a collection of citations to the provisions of existing Nevada law which impose or authorize a collateral consequence of conviction or allow relief from collateral consequence of conviction on or before January 1, 2014. The collection must be updated no later than 45 days after each regular Legislative Session and must remain available on the Internet no later than 14 days after it is updated. Thank you.

Roll call on Senate Bill No. 395:
YEAS—21.
NAYS—None.

Senate Bill No. 395 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 430.
Bill read third time.
Remarks by Senators Smith and Gustavson.

Senator Smith:
Thank you, Mr. President. Senate Bill No. 430 requires the Transportation Services Authority and the Taxicab Authority to authorize certificate holders, such as limousine operators and
taxicab motor carriers, to use computerized real-time data systems for the purpose of offering to
the public cooperative dispatch and electronic hailing services in Clark County. The bill
establishes the minimum performance criteria and operational capabilities a computerized real
time data system must demonstrate before such a system can be implemented. The legislation
allows the Transportation Services Authority and the Taxicab Authority the option of operating a
computerized real time data system themselves or entering into a contract for this service. If a
contract is entered into, each respective regulating Authority must ensure the information and
data collected is under their control.

Senate Bill No. 430 requires limousine operators and taxicab motor carriers to charge and
collect a technology fee which is established by Transportation Services Authority and the
Taxicab Authority. The fee collected must be remitted to each respective regulating Authority,
and must be used to implement technological improvements in safety, reliability and efficiency,
including the implementation of a computerized real time data system to assist with
administration and enforcement. For my colleagues from Southern Nevada who are familiar with
the so-called long haul issue, this attempts to address the concern that came about in a recent
audit by our own State auditor. Thank you.

SENATOR GUSTAVSON:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 430. In the bill it states these
technology changes must be in real time and that the systems should be implemented no than
October 1, 2013. That is not enough time to implement such systems in my opinion. Also, this is
an unfunded mandate to those taxicab companies. I don’t think we should be placing the burden
on them all at once. How many of these systems are available within the time frame? Are there
more than one system out there that can accomplish the requirements of this bill, or will it be one
company they all have to buy from? Thank you.

SENATOR SMITH:
Thank you, Mr. President. To my colleague from Senate District No. 14, the legislation does
not say the bill must be implemented by October 1, 2013; it says the Taxicab Authority would
commence the process of implementation by that date. Furthermore, we heard in testimony that
this would go through a normal process of contracting, and would use the State’s regular system
for that. It would not require the systems to come from any one contractor. The fee will be set by
the Taxicab Authority; they are enabled in this legislation to do that. Thank you.

SENATOR GUSTAVSON:
Thank you, Mr. President. I apologize. I missed a word when I was reading the
implementation date: I see now that it does state that the date to commence the process. I still
object to the additional fee put on taxicab fares. I think it would be a lot less expensive to place a
flat rate on travel to and from the Airport. It would be less expensive for the taxicab companies
and for the consumers as well. For those reasons, I will not be supporting this bill. Thank you.

Roll call on Senate Bill No. 430:
YEAS—20.
NAYS—Gustavson.

Senate Bill No. 430 having received a two-thirds majority, Mr. President
declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 18.
Bill read third time.
Remarks by Senator Manendo.
Thank you, Mr. President. Assembly Bill No. 18 allows the Nevada Department of
Transportation and certain local governments to enter into agreements for the relinquishment or
trade of any portion of a State highway or local road. Before a relinquishment or trade may take
place, the parties must agree in writing to terms of the trade, including requirements for bringing
the highway or local road into good repair or, if necessary, for ensuring equitable compensation
or equitable trade considerations. The bill also requires Nevada Department of Transportation, in
cooperation with local governments, to adopt regulations governing procedural documents that
address the process by which portions of roadways are to be relinquished. This bill is effective
on October 1, 2013. Thank you.

Roll call on Assembly Bill No. 18:
YEAS—21.
NAYS—None.

Assembly Bill No. 18 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 6:44 p.m.

SENATE IN SESSION

At 6:54 p.m.
President Krolicki presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill Nos. 35, 48, 202 and 348 be
taken from the General File and placed on the General File for the next
agenda.
Motion carried.

Senator Smith moved that Assembly Bill No. 147 be taken from the
General File and placed at the top of the General file for this agenda.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 147.
Bill read third time.
The following amendment was proposed by Senator Segerblom.
Amendment No. 868.
Senator Segerblom moved the adoption of the amendment.
Remarks by Senators Segerblom and Hardy.

Senator Segerblom:
Thank you, Mr. President. Amendment No. 868 to Assembly Bill No. 147 changes the
statutory mandate to a regulatory process whereby the State would adopt regulations to
determine what information should be given to women who have mammograms. To my
knowledge the amendment has been coordinated with the Senator from Boulder City to make
sure it corresponds to current medical practices. Thank you.
SENATOR HARDY:
Thank you, Mr. President. I support Amendment No. 868 to Assembly Bill No. 147. I appreciate the statement of my colleague. Thank you.

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

Assembly Bill No. 54.
Bill read third time.
Remarks by Senator Hutchison.

Thank you, Mr. President. Assembly Bill No. 54 adopts a revised schedule of fees a justice of the peace must charge and collect on the commencement of actions, the preparation and filing of affidavits and orders, the appearance of defendants, the preparation of transcripts and other actions in justice court. The bill requires 25 percent of the portion of these fees payable to the county treasurer to be deposited into a special account for the benefit of the justice courts in the county. The funds in the special account may only be used for the construction of additional facilities; the expansion or renovation of existing facilities; acquisition of equipment, fixtures and furniture; equipment or staff for enhanced security; and certain other items. The bill also requires a county treasurer to, if necessary, reduce the amount deposited in the special account to ensure that the total fees paid the county treasurer in any fiscal year are not less than the amount paid in Fiscal Year 2012-2013. Finally the bill authorizes a board of county commissioners to impose, by ordinance, a filing fee on the commencement of an action or the filing of an answer in justice court, to offset a portion of the cost of operating a law library in the county. This passed unanimously out of the Senate Committee on Judiciary, and we strongly urge your support. Thank you.

Roll call on Senate Bill No. 54:
YEAS—20.
NAYS—Gustavson.

Senate Bill No. 54 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 170.
Bill read third time.
Remarks by Senators Atkinson, Hardy, Hutchison, Jones, Settelmeyer, Goicoechea, Denis, Cegavske and Gustavson.

SENATOR ATKINSON:
Thank you, Mr. President. Assembly Bill No. 170 makes various changes relating to the advanced practice of nursing. The term “advanced practitioner of nursing” is replaced throughout the Nevada Revised Statutes with the term “advanced practice registered nurse.” The bill requires the State Board of Nursing to issue a license to such a nurse, rather than a certificate of recognition; the requirements for issuance are unchanged. The bill prohibits an advanced practice registered nurse from prescribing a controlled substance listed in schedule II unless the nurse has at least two years or 2,000 hours of clinical experience; or the controlled substance is prescribed utilizing a protocol approved by a collaborating physician. This bill is effective on July 1, 2013. Thank you.
SENATOR HARDY:
Thank you, Mr. President. It is a true fact that we need more nurses. It would be nice if this bill allowed us to get more nurses. The definition change does not actually change the reality of what the nurse practitioner can do. The experience called for in the bill is “clinical experience” which is undefined; it could be anything they have ever done. The Board of Nursing will delineate the scope of practice; this Board may not have the expertise of the nurse that is requesting the scope of practice to be either expanded or limited. The physician’s path to specialization is a three- to ten-year process. The nurse specialization is somewhat of a “shortcut.”
Section 19 of the bill addresses something that is unique in that when we talk about rural communities being advantaged by this—it talks about a physician assistant or advanced practice nurse who is under the supervision of a licensed physician. The concept of autonomy is not really granted for the rural areas by this legislation—albeit the rural communities would benefit from, and would want, the nurse practitioners in their areas. We have yet to see the rural communities benefitted from those who have specializations as their impetus to become nurse practitioners. I will not be supporting the bill. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 170. I join my colleague from Senate District No. 12 in expressing concern that we are asking advanced practice nurses, as good as they are, to do more than they are trained or experienced to do. I do not think the way we solve the problem of the few medical professionals is to ask those who, in my view, lack the proper training or proper clinical experience compared with the medical doctors and physicians in those same areas. For that reason, I am concerned about the overall impact of this bill on the health and welfare of Nevadans. I will not be supporting it. Thank you.

SENATOR JONES:
Thank you, Mr. President. I rise in support of Assembly Bill No. 170. We have a health care crisis in our State, and we are only able to address that crisis by expanding the scope of those who are providing health care. I believe that should apply to advanced practice nurses. I want to thank the sponsor of the bill, Assemblywoman Carlton. There were some concerns raised at the hearing related to nurses coming out of nursing school and dispensing certain types of drugs immediately after graduation. I was thankful to the Assemblywoman for meeting with me and accepting and amendment which I believe addresses the concern I raised. I ask my colleagues to support this bill. Thank you.

SENATOR SETTLEMeyer:
Thank you, Mr. President. I rise in support of Assembly Bill No. 170. The reality is the Affordable Care Act is now law. We do not have enough doctors. It is that simple. We need to have more medical personnel out in the rural communities. It was mentioned during the testimony on this bill, and it is a reality for the other states who have passed similar legislation, that those individuals have stayed in their communities instead of migrating to larger cities. This has helped provide rural care, which is desperately needed in our State.
There was also testimony in detail about the number of hours the advanced practice nurses have to have in schooling. It is not anywhere near the hours required for doctors, but in the same respect, they do not have the same responsibilities. I feel this bill is reasonable given the crisis we are facing. Thank you.

SENATOR ATKINSON:
Thank you, Mr. President. As Chair of the Senate Committee on Commerce, Labor and Energy, I feel the need to rise and show my support for Assembly Bill No. 170. I respect my colleague from Senate District No. 12. However, I disagree to a certain extent that this doesn’t help the rural areas. From everything I know—through reading and in reviewing the testimony from the committee—I think it helps the rural communities more than it helps any other area.
My colleague from Senate District No. 9 spent a lot of time with the amendment and considering what may help get us there; that amendment made sure these practitioners have
training. It also reduced the level of medicine they can administer. I think we did a good job addressing everyone’s needs and concerns with this measure. I urge your support. Thank you.

SENATOR GOICOECHEA:
Thank you, Mr. President. I rise in support of Assembly Bill No. 170. I have the utmost respect for my colleague from Senate District No. 12. However, in the true rural areas, we do not have physician’s assistants or supervising doctors that will come and review those charts once per week. So when we talk about an advanced practice nurse, that is a higher level of care than what is affordably offered to us today. Anything we can to improve the situation, and clearly the skills that are required—even at 2,000 hours—will be an improvement. Many of these small rural clinics only have, in many cases, a licensed practical nurse and a certified nursing assistant staffing them. I ask you to please support this bill; it does help the rural areas in our State. Thank you.

SENATOR DENIS:
Thank you, Mr. President. I want to chime in and join my colleagues. When we heard testimony on Assembly Bill No. 170 in committee, it stood out to me that this bill can help provide some of the needed medical support, especially in rural areas. As my rural colleagues have mentioned, this will be helpful to them. Therefore, I am in support. Thank you.

SENATOR CEGAVSKE:
Thank you, Mr. President. I have a question: Since it seems the rural areas are the focus of the conversation, is this legislation only for the rural areas or does it incorporate all areas of the State? Thank you.

SENATOR ATKINSON:
Thank you, Mr. President. If I recollect, most of the testimony came from the rural folks, but there are no limitations to the bill based on the population of counties; it applies to all areas of the State. Thank you.

SENATOR GUSTAVSON:
Thank you, Mr. President. I rise in support of Assembly Bill No. 170. I represent some of the rural areas in our State, and I think this would be of benefit to them. I urge your support of this measure. Thank you.

Roll call on Assembly Bill No. 170:
YEAS—14.
NAYS—Brower, Cegavske, Hammond, Hardy, Hutchison, Kieckhefer, Roberson—7.

Assembly Bill No. 170 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 176.
Bill read third time.
Remarks by Senator Hardy.
Thank you, Mr. President. Assembly Bill No. 176 exempts a consignee from a requirement to provide the buyer or long-term lessee of a vehicle with evidence of compliance certifying that the vehicle is equipped with pollution control devices and complies with certain requirements of the State Environmental Commission. Instead, the bill requires the consignee to: (1) inform the buyer that he or she may be responsible for obtaining an emissions inspection or testing before the vehicle may be registered; (2) post a notice at the site of the consignment auction, in printed documents, or on a website if applicable, stating that the consignee is exempt from the
requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction; and (3) make the vehicle available for inspection before the auction. Thank you.

Roll call on Assembly Bill No. 176:
YEAS—21.
NAYS—None

Assembly Bill No. 176 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 223.
Bill read third time.
Remarks by Senators Goicoechea, Settelmeyer and Parks.

SENATOR GOICOECHEA:
Thank you, Mr. President. Assembly Bill No. 223 authorizes a constable, subject to approval by the board of county commissioners, to appoint clerical and operational staff. The bill provides that such staff do not have the powers of peace officers and may not possess a weapon or carry a concealed firearm while performing their duties for the constable. A constable of a township containing a city with a population of 150,000 or more (currently Henderson, Las Vegas, North Las Vegas, and Reno) must be certified by the Peace Officer Standards and Training Commission as a Category I or II peace officer within one year of taking his or her position. Assembly Bill 223 also authorizes a board of county commissioners to establish, by resolution or ordinance, penalties for the failure of a constable to file any oath, report or other document required by law to be filed with the county or with the Peace Officer Standards and Training Commission. The bill further requires the constable’s oath to be filed and recorded in the office of the county recorder in the county where the constable holds office. Finally, the authority of the constable to issue a citation to the owner or driver of a vehicle that is not properly registered applies only to vehicles located in the constable’s township at the time the citation is issued. Thank you.

SENATOR SETTELMEYER:
Thank you, Mr. President. I am curious, and I want to make sure for the record: if you are in a county with a population of 100,000 or less, and you don’t have a city, will a constable still be able to arrest? I would appreciate someone clarifying that for me. Thank you.

SENATOR PARKS:
Thank you, Mr. President. To my colleague from Senate District No. 17, there are only a limited number of constables in the State. Most of them are in Clark County, and this bill deals primarily with those constable offices in Clark County. In most of the State, with the exception of Incline Village, the constable’s activities are handled through the civil bureaus and the respective sheriff’s offices. Thank you.

SENATOR SETTELMEYER:
Thank you, Mr. President. Again, for clarification, I want to make sure that constables in counties with populations of less than 100,000 that do not have cities, will still be able to arrest. I believe it is what the bill allows, but I want to make sure. Thank you.

SENATOR PARKS:
Thank you, Mr. President. That is correct. Thank you.

Roll call on Assembly Bill No. 223:
YEAS—21.
NAYS—None.
Assembly Bill No. 223 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 312.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 312 revises the appointment process and terms of service for the members of the Charter Committee of Carson City. The measure provides that the Mayor, each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City appoint one member to the Committee. Each member serves at the pleasure of his or her appointing public officer throughout that public officer’s term. The bill also revises the duties of the Charter Committee. The Charter Committee will meet jointly with the Board of Supervisors to advise the Board in regard to the Committee’s recommendations for amendments to the Charter. Should the Board elect to submit the Committee’s recommendations to the Legislature, the Committee will assist in the preparation and presentation of the recommendations. If the Board chooses not to submit the Committee’s recommendations to the Legislature as one of its approved measures, the Committee may vote to authorize one of its members to seek sponsorship of the measure by one of the legislators representing Carson City. The member is prohibited from representing that the Board approved or supported the measure. Thank you.

Roll call on Assembly Bill No. 312:
YEAS—21.
NAYS—None.

Assembly Bill No. 312 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. 351 be taken from the General File and placed on the Secretary’s Desk.
Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 415.
Bill read third time.
Remarks by Senator Segerblom.
Thank you, Mr. President. Assembly Bill No. 415 provides that the crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny, unless the person who enters has two or more previous convictions for petit larceny within the last seven years or a felony conviction. Thank you.

Roll call on Assembly Bill No. 415:
YEAS—21.
NAYS—None.
Assembly Bill No. 415 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 453.
Bill read third time.
Remarks by Senator Gustavson.
Thank you, Mr. President. Assembly Bill No. 453 provides for the registration of two or more vehicles as a fleet if they are all covered by a commercial liability policy. This bill also provides that verification of the required liability insurance for fleet vehicles is satisfied when an insurer submits to the Department of Motor Vehicles the policy number and the name of the registered owner of those vehicles. This bill is effective on October 1, 2013. Thank you.

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

Assembly Bill No. 453 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 487.
Bill read third time.
Remarks by Senator Manendo.
Thank you, Mr. President. Assembly Bill No. 487 raises from 25 to 40 percent the recycling goal that must be taken into account when the State Environmental Commission adopts certain regulations related to recycling and the disposal of hazardous household products. It also directs the board of county commissioners of each county to report to the 2015 Legislature regarding efforts and progress made to establish programs for single-stream recycling. Thank you.

Roll call on Assembly Bill No. 487:
YEAS—21.
NAYS—None.

Assembly Bill No. 487 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 236.
Bill read third time.
Remarks by Senators Manendo and Gustavson.

SENATOR MANENDO:
Thank you, Mr. President. Assembly Bill No. 236 allows a person to drive a motorcycle between stationary vehicles occupying adjacent traffic lanes. While driving between other vehicles traveling in the same direction as the motorcycle, the following conditions apply: (1) the person must drive in a manner that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather, and other highway conditions; and (2) the motorcycle must travel at a speed of 10 miles per hour or less. Thank you.
SENATOR GUSTAVSON:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 236. I have supported motorcyclist issues for years—most of them, not all. This is one I objected to in committee, but after the amendment I went ahead and supported it with the right to change my vote. The more I think about it, when you have one or two motorcyclists riding around, there is not generally a problem. But during summertime in general, and during special events, you have motorcyclists riding in groups; they get along both sides of the cars at red lights while all of traffic is stopped. As soon as the light changes, they all take off and scatter into different lanes, leaving the car sitting in the intersection waiting to go. I do not think this is a safe idea, and I urge your no vote. Thank you.

Roll call on Assembly Bill No. 236:
YEAS—5.

Assembly Bill No. 236 having failed to receive a constitutional majority, Mr. President declared it failed.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Segerblom moved to rescind the action to concur in Assembly Amendment No. 682 to Senate Bill No. 38.

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

Senate in recess at 7:33 p.m.

SENATE IN SESSION

At 7:36 p.m.
President Krolicki presiding.
Quorum present.

Motion carried.

Senator Smith moved that Assembly Bill Nos. 313, 365 and 378 be taken from the General File and placed on the General File for the third agenda.
Motion carried.

Senator Smith moved that Senate Bill Nos. 18, 90, 209, 236, 246, 392, 436 and 440 and 228 be taken from Unfinished Business and placed on the Unfinished Business for the next legislative day.
Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.
Senate in recess at 7:39 p.m.

SENATE IN SESSION

At 8:51 p.m.
President Krolicki presiding.
Quorum present.

REPORTS OF COMMITTEES

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

AARON D. FORD, Chair

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all necessary rules be suspended, that the reading of the bill so far be considered to have fulfilled the requirement for second reading, and that Assembly Bill No. 246 be declared an emergency measure under the Constitution and placed on the General File and third reading for final passage.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.
Bill read third time.
Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:
Thank you, Mr. President. Assembly Bill No. 35 consolidates campaign finance reporting requirements for general elections and special elections held on the same day as a primary or general election. The measure expands campaign finance reporting requirements to recall elections and makes reporting for special elections more consistent with general election reporting. The bill clarifies terms used in categorizing contributions and expenditures, including: (1) when an expenditure will not be considered to be “coordinated with” a candidate or group of candidates; and (2) that contributions and expenditures “against” a candidate must be reported in addition to those “for” a candidate. The measure makes clear that campaign finance reports are required even if a ballot question does not appear on the ballot, or a candidate informally ends his or her campaign, runs unopposed, or loses in the primary.
Candidates who are removed from the ballot or not elected, and public officers who resign from office and are not candidates for another office, must comply with the laws governing the disposition of unspent contributions. The bill creates a voluntary procedure for formally ending a campaign and streamlining compliance with applicable campaign finance laws. Assembly Bill No. 35 eliminates or consolidates redundant provisions and repeals an obsolete provision on reporting in city elections. Finally, the bill clarifies that remedies and penalties for violations are cumulative and in addition to any other remedies and penalties set forth in the law, including criminal penalties. Assembly Bill No. 35 is related to, and overlaps, changes to election and campaign finance laws in Assembly Bill No. 48 of the 2013 Session. The bill is effective on July 1, 2013. Thank you.
SENATOR SETTELMEYER:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 35. I do not appreciate the language being deleted by the amendment previously adopted; I feel it helped with clarity. I believe now the bill is more vague about coordination, and I will oppose the bill because of it. Thank you.

Roll call on Assembly Bill No. 35:
YEAS—17.
NAYS—Cegavske, Goicoechea, Gustavson, Settelmeyer—4.

Assembly Bill No. 35 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 48.
Bill read third time.
Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:
Thank you, Mr. President. Assembly Bill No. 48 makes it a crime to vote or attempt to vote if the person: (1) knows he or she is not a qualified voter; or (2) is using the name of another person. These crimes are punishable as Category D felonies. If a late vacancy occurs in a nonpartisan office, a person may become a candidate by filing a declaration of candidacy and paying the required fee no later than the fourth Friday in June. The bill changes the date for minor political parties to file their certificates of nomination, by approximately one week, to the last Tuesday in August.
The bill requires each county clerk to provide a certified list of candidates to the Secretary of State prior to the primary and general elections. If a voter registers by mail or computer and the voter registration card is returned by the United States Postal Service, the voter must present proof of residency before voting. The bill extends the deadline for online voter registration to the third Tuesday before an election and adds definitions for “committee sponsored by a political party” and “independent expenditure.” The threshold for reporting contributions or independent expenditures by persons, and political parties or committees, is increased from $100 to $1,000.
As to the Secretary of State, the bill (1) changes the deadline to have regulations in place governing elections; (2) removes the requirement for the Legislative Commission to approve expense forms; and (3) changes the due date and content of compiled campaign finance reports. The bill also makes changes consolidating reporting requirements, repealing an obsolete provision and eliminating repetitive language. The bill is effective on July 1, 2013. Thank you.

SENATOR SETTELMEYER:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 48 because I feel that the language that was deleted will allow for the coordination between the candidates and the parties and so forth and I think that was not the intent of the bill. Additionally, the Independent American Party came forth to oppose Assembly Bill No. 48 with the concerns that the date was changed, which was against their wishes. I don’t think it is right for us to change it without having their consultation. Thank you.

Roll call on Assembly Bill No. 48:
YEAS—15.
Assembly Bill No. 48 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 147.
Bill read third time. Remarks by Senator Segerblom, Cegavske, Ford and Hardy.

Senator Segerblom: Thank you, Mr. President. Assembly Bill No. 147 is the mammography bill we talked about earlier that my colleague from District 8 supports. Thank you.

Senator Cegavske: Thank you, Mr. President. I stand to agree with my colleague from Senate District No. 3 and want to make sure that everyone votes in favor of Assembly Bill No. 147 because it is a great bill. Thank you.

Senator Ford: Thank you, Mr. President. I have a question for my colleague from District No. 12; I am wondering if he thinks the language is appropriate and that it won’t unnecessarily frighten women who have breast cancer results or breast examination results. Thank you.

Senator Hardy: Thank you, Mr. President. I don’t think anyone will be prevented from be afraid. What we want to do is give them appropriate information without scaring them about potential things that they don’t have and if they do have proven result we want to let them know exactly what they have. So this bill allows the State to come up with the language that addresses all the appropriate things that one should know when they get a report back. If that answers your question. Thank you.

Roll call on Assembly Bill No. 147:
YEAS—21.
NAYS—None.

Assembly Bill No. 147 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Bill read third time. Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 202, which was discussed and amended on the floor earlier today, raises the age to 16 years for a juvenile to be tried as adult for criminal proceedings, and lowering it to 13 years for those to be certified as an adult by the court for such proceedings. Thank you.

Roll call on Assembly Bill No. 202:
YEAS—21.
NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 246.
Bill read third time.
The following amendment was proposed by the Committee on Natural Resources.
Amendment No. 890.
Senator Manendo moved the adoption of the amendment.
Remarks by Senator Manendo.
Thank you, Mr. President. Amendment No. 890 to Assembly Bill No. 246 clarifies the prohibition for selling, offering for adoption or transferring ownership of a live animal at a swap meet. Thank you.

Amendment adopted.
Senator Smith moved to waive the reprint of Assembly Bill No. 246.
Motion carried.

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

Assembly Bill No. 246 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered reprinted, re-engrossed and transmitted to the Assembly.

Assembly Bill No. 313.
Bill read third time.
The following amendment was proposed by Senator Smith.
Amendment No. 888.
Senator Smith moved the adoption of the amendment.
Remarks by Senator Smith.
Thank you, Mr. President. Amendment No. 888 to Assembly Bill No. 313 adds some language to try and consolidate the assignments of the Commission on Administration of Justice. Thank you.

Amendment adopted.
Senator Smith moved to waive the reprint of Assembly Bill No. 313.
Motion carried.

Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 313 creates a statutory Subcommittee on Search and Seizure Law and Technology of the Advisory Commission on the Administration of Justice. Thank you.

Roll call on Assembly Bill No. 313
YEAS—21.
NAYS—None.
Assembly Bill No. 313 having received a constitutional majority, Mr. President declared it passed. Bill ordered reprinted, re-engrossed and transmitted to the Assembly.

Assembly Bill No. 345.
Bill read third time.
Remarks by Senators Segerblom and Goicoechea.

Senator Segerblom:
Thank you, Mr. President. Assembly Bill No. 345 provides that the $3 fee on game-tag application be split between research and predator control. Thank you.

Senator Goicoechea:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 345. I believe the $3 fee paid by the sportsmen was for predator control. I appreciate the efforts to amend the bill. I voted against it when it came out of committee, and I do again tonight. Unfortunately, we cannot study predators to death. Thank you.

Roll call on Senate Bill No. 345:
YEAS—16.
NAYS—Cegavske, Goicoechea, Gustavson, Hammond, Hardy,—5.

Senate Bill No. 345 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to the Assembly.

Assembly Bill No. 346.
Bill read third time.
Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 346 pertains to pit lakes. If the land mass is 200 acres and the pit lake is 90 percent filled, they ultimately can be determined to be a pit lake and therefore, be accessed by the public. This bill makes it perfectly clear there are no responsibilities or liabilities for certain persons. The property owner does not assume responsibility or incur liability regarding access the premises. The bill provides that relevant reclamation plans that were filed before the bill takes effect must provide for public access to a pit lake as set forth in the bill. These plans may be amended and re-filed if it is determined that such access is warranted. Thank you.

Roll call on Assembly Bill No. 346:
YEAS—21.
NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. President declared it passed. Bill ordered transmitted to Assembly.

Assembly Bill No. 348.
Bill read third time.
Remarks by Senator Kieckhefer.

Thank you, Mr. President. Assembly Bill No. 348 establishes certain requirements for the governance of a foster care agency, as well as certain requirements for the owners, members,
volunteers and vendors. A foster care agency must report certain information, execute contracts with a foster care provider with whom children are placed, and implement certain provisions for independent living foster homes, among other requirements. This bill is effective on October 1, 2013. During the earlier amendment, we did strike the fee language. There has been some chatter about the amount of regulation we are putting into statute with this bill. I say the child welfare system was designed to protect children, so if we are going to err on one side of the equation, we should err on protecting children. Thank you.

Roll call on Assembly Bill No. 348:
YEAS—21.
NAYS—None.

Assembly Bill No. 348 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 374.
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. An agreement entered into under Assembly Bill No. 374 must require the person or organization holding an outdoor assembly to contact the county coroner if a death occurs at the assembly and to compensate the coroner for any related expenses. An additional agreement or agreements may be entered into authorizing the county to provide other services and to receive compensation for such services. Finally, the bill stipulates that none of its provisions shall be construed to limit the power of the Legislature. This bill is effective on July 1, 2013. Thank you.

Roll call on Assembly Bill No. 374:
YEAS—21.
NAYS—None.

Assembly Bill No. 374 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. 283 be taken from the General File and placed at the bottom of the General File for the fourth agenda.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 50.
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. Assembly Bill No. 50 extends the termination date of the redevelopment plan adopted by the agency of a city whose population is 500,000 or more (currently the City of Las Vegas) from 45 to 60 years after the date on which the original redevelopment plan was adopted. The measure provides for the set-aside and use of certain revenues from taxes imposed on property in a redevelopment area for education-related and other purposes. If a tourism improvement district created after October 1, 2009, has within its
boundaries any portion of a redevelopment area, a redevelopment agency and the governing
body of a city or county are prohibited from providing financing, or reimbursement or both to
the tourism district and the redevelopment area. This measure is effective upon passage and
approval. Thank you.

Roll call on Assembly Bill No. 50:
YEAS—21.
NAYS—None.

Assembly Bill No. 50 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 365.
Bill read third time.
Remarks by Senator Kihuen.
Thank you, Mr. President. Assembly Bill No. 365 requires the Court Administrator to adopt
necessary regulations establishing the criteria and procedures for the appointment of alternate
court interpreters for persons with language barriers. The bill requires the regulations to express
a preference for appointment of a certified court interpreter before an alternate interpreter. It
requires an interpreter to be appointed at public expense for a person with a language barrier
who is a criminal defendant or witness, or who is the child, parent, guardian or witness in a
juvenile proceeding. I urge the passage of this bill. Thank you.

Roll call on Assembly Bill No. 365:
YEAS—21.
NAYS—None.

Assembly Bill No. 365 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Assembly Bill No. 378.
Bill read third time.
Remarks by Senators Ford, Hutchison, Jones, Brower, Roberson,
Segerblom, Smith and Spearman.

SENATOR FORD:
Thank you, Mr. President. Assembly Bill No. 378 provides that a transfer of property to a
self-settled spendthrift trust is presumed to be made with the actual intent to defraud an obligee
named in a family support order and is void if: (1) the transfer is made after the commencement
of a domestic relations proceeding; (2) the transfer is made less than two years before the
commencement of such a proceeding; (3) the transfer is made while the settlor is subject to
certain family support orders; or (4) a court order expressly requires the settlor to transfer the
property to his or her child, spouse or former spouse, or a domestic partner or former domestic
partner, or for the benefit of such a person.

The measure also provides that under certain circumstances, a trustee of a self-settled
spendthrift trust is required to provide written notice of certain distributions from the trust to an
obligee named in a family support order. If the settlor of the spendthrift trust is also a beneficiary
of the trust, the measure prohibits the following persons from being a distribution trustee or a
distribution adviser: the settlor; the spouse or domestic partner of the settlor; a person related to
the settlor by blood, adoption or marriage within the second degree of consanguinity or affinity;
argue that an employee of the settlor; a subordinate employee of the settlor or the settlor’s business; or a
business entity in which the settlor or any of the previously-listed persons holds at least 30
percent of the total voting power. This measure is effective on October 1, 2013. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 378. This is one of those
bills that is not necessary; it is incredibly harmful to Nevada’s standing as the leading
jurisdiction for forming self-settled spendthrift trusts. In the 16-plus years, and in the 15
jurisdictions where these trusts have been created and are operating, there has never been one
single case where a child support or alimony creditor was not paid because of these trusts. In
fact, Julia Gold, a long-time trust attorney, testified before the Senate Committee on Judiciary
that she had spoken to family court judges who have presided over thousands of these cases, and
the judges had never seen a case were one of these trusts had prevented payment of child support
or alimony.

People don’t put all, or substantially all, of their assets or net worth into an asset-protection
trust. The reason is because under Nevada law one of the factors in evaluating a fraudulent
conveyance is whether a person put all or substantially all of the person’s assets or net worth into
an asset-protection trust? If the answer is yes, it is likely a fraudulent conveyance and is
unwound by the court. So there will be assets available for the purpose of alimony or child
support payment.

Nevada is currently the leading self-settled spendthrift trust jurisdiction in the United States.
The difference between being the leader and being second means millions of dollars to
professionals and businesses in the State of Nevada. The leading position brings assets to our
financial institutions, it creates jobs, it creates significant Secretary of State revenue from all of
the Limited Liability Corporations and Limited Partnerships that are created with these trusts.
Once our reputation is tarnished it would take years to repair that reputation.

Existing law already provides for fraudulent conveyance disallowances, it already requires a
passage of two years before the assets of the trust vest and are protected. Therefore, we do not
have the problems the bill seeks to remedy. Even though the alimony and child support
exceptions have now been modified with the amendment to this bill, so that they appear to be a
presumption, we don’t know how jurisdictions throughout the country will react to this. If the
presumption is deemed legally insufficient there may be serious estate tax repercussions,
imposing unnecessary State taxes on these trusts.

There are many other problems with this bill; I will spare you all the details. I will end with
this: we have thousands of these self-settled spendthrift trusts created in Nevada. What do we do
once we pass this bill into law? How are lawyers supposed to notify the thousands of people that
they now have new rules for transfers made on or after October 1, 2013. This scenario is not
considered within the provisions of this bill. I urge your rejection of Assembly Bill No. 378.
Thank you.

SENATOR JONES:
Thank you, Mr. President. I rise in support of Assembly Bill No. 378. I had concerns with
some of the provisions including some of the issues raised by my colleague from Senate District
No. 6. I asked that the Probate and Trust Section of the State Bar of Nevada get together and get
on the same page; they did not. What we have today is an imperfect bill. However, in speaking
with, and working with the sponsor of the bill over the last two weeks, I am hopeful that by
passing this bill today, we can still get to a resolution with the Probate and Trust Section of the
State Bar of Nevada through a conference committee. Thank you.

SENATOR BROWER:
Thank you, Mr. President. I am going to offer some of the details that my colleague from
Senate District No. 6 spared us a moment ago. Assembly Bill No. 378 tries to solve a problem
that does not exist in our State. The bill introduces redundant requirements for property rights
between spouses or domestic partners that are already codified in Nevada Revised Statutes. The
bill creates a presumption of fraudulent conveyance to a self-settled spendthrift trust that are
already treated as fraudulent conveyances under Nevada Revised Statutes. This bill potentially
exposes residents of all 50 states to Nevada family law since such trusts in Nevada may be used by residents of any state.

The bill was never reviewed or approved by the Probate and Trust Section of the State Bar of Nevada prior to its introduction. And since its introduction, as has been pointed out, it has not been endorsed by that section of the State Bar of Nevada—many of us in this Body know that is a very unusual situation for a bill that has made it out of committee.

The bill conflicts with the Internal Revenue Service code and certain Internal Revenue Service pronouncements regarding the splitting of the trusts at divorce and the Income Estate and Gift Tax consequences associated with such a split. Finally, let me just add that in my time here I have never experienced a situation where virtually 99 percent of the true experts on a topic in our State have agreed that a bill is a bad idea. Yet, the bill somehow finds its way to the floor. I urge the Body to oppose this bill. It is simply not good for our status as the gold standard for trust law in the United States. It has the potential to dissuade millions of dollars of trust assets from finding their way to our State. Thank you.

SENATOR ROBERSON:
Thank you, Mr. President. I want to echo the comments of my colleagues from Senate District No. 6 and Senate District No. 15. My colleague from Senate District No. 9 indicated this is an imperfect bill—yes, this is an imperfect bill. It is an ill-conceived bill. Assembly Bill No. 378 is such a bad bill. Please vote against it. Thank you.

SENATOR SEGERBLOM:
Thank you, Mr. President. With all due respect to my colleague from Henderson, Assembly Bill No. 378 is actually a great bill. The experts that my colleague from Senate District No. 15 points to all make their living off of creating these trusts which, incredibly, if you have a child support order or an alimony order, you cannot go after the assets of your spouse. We have created in Nevada a law which protects assets from the wife and the children even after they have been ordered by a divorce court. This bill addresses that issue. It is very important. We do not want to live in a State where we are so eager for business, and willing to make rich lawyers even richer, that we are going to allow them to draft these trusts which protect assets from court orders for spousal and child support. I encourage your support for this bill. Thank you.

SENATOR FORD:
Thank you, Mr. President. I want to highlight that the comments from my colleagues from Senate District No. 6 and Senate District No. 15 are the quintessential examples of what lawyers do: the contentions are debatable. Whether the provisions violate the code of the Internal Revenue Service—we heard arguments on both sides of that in committee. Some of the issues that are raised in opposition are, in fact, debatable.

The primary issue for me, relative to this type of trust—and for the edification of the Body, what this allows you to do is put all your money in a trust which is run by a trustee, and that trustee can’t give any money out, can’t do anything with the money, unless you tell them to. So if you tell them to not pay your child support, he won’t pay the child support—even if there is an order in place that says he is supposed to pay child support. For me, that is sufficient to say I am not interested in creating a haven for deadbeat dads. I have said that in committee, and I am saying it again now. I support this in principle for that reason. Spousal support is important as well; there are different idiosyncrasies we have to deal with for that. On the child support front, I do not think we should be holding child support payments hostage to a trust. Assembly Bill No. 378 goes a long way in making certain kids can be taken care of pursuant to a court order. I encourage you to vote in support of this bill. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise to correct the record. Just think about this—we are trying to fix a problem with trusts that does not exist. The idea is someone can put all of their assets into a trust, and as a result they don’t have to pay child support or spousal support obligations. First, you cannot put all of your assets into a trust without it triggering a fraudulent conveyance legal challenge that subjects a transfer to being unwound by a court; that is already addressed in fraudulent conveyance law. So to suggest you can transfer all of your assets into a trust is
inaccurate. Second, you would think if these trusts were used as a vehicle for creating a safe haven for deadbeat dads, there would be one case—one case—during the 16 years and in the 15 jurisdictions where these trusts have been created and functioning—that somebody would have come forward to the committee and advised us of a problem. The exact opposite was true. We asked witness after witness whether they had experienced that scenario before as legal practitioners—some of them have trust and estate practice nationwide—whether they had heard of any of their colleagues or judges experiencing this problem—not one said they had. This type of trust is not a vehicle for deadbeat dads. Those who are trying to avoid their child support obligations often don’t even have trusts created for any purpose, let alone to transfer all of their assets into those trusts. They have assets outside the trusts as they are required to have for fraudulent conveyance purposes. We are chasing a ghost with this bill that doesn’t exist. In the meantime we are going to crater and irreparably harm our status as a State as the number one jurisdiction for creating these trusts. There are tens of millions or hundreds of millions of dollars invested over the course of the lifetime of these trusts. Don’t forget the jobs and the economic growth that goes along with it. This is ill-conceived legislation that is completely unnecessary. I urge you not to vote in favor of this bill. Thank you.

Senator Brower:
Thank you, Mr. President. I am now reminded of how this bill did get out of committee. This whole issue has been horribly distorted. The rhetoric is flat-out wrong, although well intentioned. But also intended to distort and inflate the issue so as to take our eyes off the ball. Frankly, this bill is about giving a member of the other Body a bill.
Again, I have never seen a bill that was approved by the relevant section of the State Bar of Nevada get a hearing, let alone a vote out of committee. The experts tell us this is a bad idea. The deadbeat dad piece—this has nothing to do with deadbeat dads. It wouldn’t be as big a deal, and I don’t think you would see so much floor debate if it wasn’t such an important issue. This is the kind of bill that is so potentially destructive to the economic vitality of our State that if we pass it, I guarantee we will come to regret it. Let’s not make that mistake. Let’s do with this bill what should be done: let’s put it to rest. I urge your no vote on this bill. Thank you.

Senator Smith:
Thank you, Mr. President. I would like to ask one of my colleagues who has referred to the amount of money that is being brought into this State if we have any tax revenue off of any of that money beyond sales tax and property tax. Thank you.

Senator Hutchison:
Thank you, Mr. President. I can tell you there are thousands of Limited Partnerships and Limited Liability Corporations in connection with the spendthrift trusts—those are revenues that come into the State which the Secretary of State of will lose out on if we pass this bill. We also know there are dozens, if not hundreds, of certified public accountants and professionals within this State who service this industry; they generate revenue and pay taxes on that revenue. We know there are investment advisors who bring in and manage the investment assets, who charge thousands of dollars each year to the trusts to do so; they generate fees and revenue for the State.
Banks charge fees for the accounts that are set up in these trusts in Nevada. The trust companies hire employees to administer these trusts, and likewise earn revenue based on these fees. All of this, of course, is subject to the Modified Business Tax and state unemployment taxes based on their own payrolls. Those are a few examples. If we pass this law, South Dakota will pass us up and take a lot of that revenue from Nevada. Thank you.

Senator Spearman:
Thank you, Mr. President. I got lost along the way. I believe my colleague from Sparks was asking if there is any direct revenue that comes in—I would like to get an answer to that question. Second, of all the businesses that were just named by our colleague from Senate District No. 6, are those businesses currently in the State of Nevada, or are those the folks we expect to come if we don’t pass this bill? Thank you.
SENATOR HUTCHISON:
Thank you, Mr. President. I am happy to respond to my colleague from Senate District No. 1. I can tell you the Modified Business Tax brings revenue into this State. The Secretary of State’s fees that are charged every time a Limited Partnership and a Limited Liability Corporation is created brings revenue into this State. I can tell you every time someone pays an employee based on the services rendered by the trusts, the investments and the related businesses that are brought into this State, they too will pay payroll taxes or the Modified Business Tax. Employees who are hired will pay sales tax, property tax and all of the other taxes that the rest of us pay. Those are the ways we see the tax revenue.

Do you mean, do these trust officers or these trusts actually move here—the people who are the beneficiaries, or the settlors of the trust? Some do, some don’t; a lot of them are outside the State of Nevada. But we want to make the State of Nevada—and we have over years and years of passing statutes related to these trusts—become the gold standard for these trusts. If you go back and look at the history of these trusts, the ones who championed these laws are both Democrats and Republicans; it was a bipartisan effort to make us the gold standard. Every state in the Union is trying to catch up to us now. Assembly Bill No. 378 would be a major step backwards for the first time in Nevada’s history concerning these trusts. Thank you.

SENATOR ROBERSON:
Thank you, Mr. President. I have a question for my colleague from Senate District No. 11: I have a lot of respect for his intelligence and his abilities as an attorney. But when he said this would create a haven for deadbeat dads, I was, frankly, taken aback. I had not heard that before. I heard my colleague from Senate District No. 6 indicate in the 16 years that these trusts have been around, and in the 15 jurisdictions, there is no evidence of that. Therefore, I respectfully ask my colleague from Senate District No. 11—when you make an inflammatory statement like that—what is the factual basis for your statement? If it truly does create a haven for deadbeat dads, I will vote with you. None of us want that. What is the factual basis for that statement? Thank you.

SENATOR FORD:
Thank you, Mr. President. My response is simple: we do not always pass laws on a reactive basis, we try to prevent things from happening all the time with some of the laws we pass. We heard testimony about how this could be used, and it scared me. I walked into the airport when I was headed home last Friday and stopped at that bar right by B-5. A lady there said, ”You’re Senator Ford aren’t you?” I said, “Yes.” She told me she was one of the trust lawyers that had been emailing me all week. I asked her if she was against Assembly Bill No. 378. She said she was. I asked her about the child support concerns I had mentioned. She told me that the times she has seen that happen—the times she has seen it happen, not the times it could happen—are when athletes, for example, are able to shield their assets. At the hearing we did not get information about athletes being able to use trusts and avoid the payment of child support. You cannot put all of your assets in a trust, but you can bide your time. People do all kinds of things like file bankruptcy and whatever else they can to avoid being responsible for their obligations.

So it is not going to happen necessarily, but I would much rather send someone to South Dakota if their impetus is going to be to shield an asset from child support or spousal support. For me, this is a child support issue because spousal support may have other issues related to it; I don’t necessarily think we can address that right now. This is not my bill. This is less about me doing something for myself, or even giving a bill to someone across the hallway—it is about giving a bill the opportunity to be worked out, as my colleague said, in conference committee. The State Bar of Nevada is involved in the negotiations; things aren’t in final form just yet but if it passes out, it can go to conference and everyone can continue to work on it. It could die there, or maybe it will be worked out and be passed. The bottom line is there is an opportunity here to address a law that gives the perception to anyone looking in Nevada that, even though it may not have happened in the past, we have prevented it from happening in the future. We don’t have to have an example of past behavior—I don’t want an example. Thank you.
Senator Atkinson moved the previous question. Motion carried unanimously.

The question being on the passage of Assembly Bill No. 378.

Roll call on Assembly Bill No. 378:

YEAS—11.


Assembly Bill No. 378 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Assembly Bill No. 283.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. I have a lengthy floor statement here concerning Assembly Bill No. 283 that I am reluctant to read because everything I stated when I read the amendment explanation related to this bill earlier today, more or less covers things. So I will just add one paragraph of additional information to ensure the record is complete.

Assembly Bill No. 283 makes various changes to public works laws including, but not limited to, revising certain requirements for bidding. It clarifies that a person who performs work that does not otherwise require licensure by the State Contractors Board is not required to be licensed to provide services on the public work. The bill sunsets all new provisions relating to construction managers at risk on July 1, 2017. Thank you.

Roll call on Assembly Bill No. 283:

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary Senate Bill Nos. 4, 80, 284, 285, 286, 287, 288, 304, 309, 310, 317, 318, 325, 335, 338, 342, 343, 344, 350 and 351; Assembly Bill Nos. 21, 63, 73, 129, 165, 198, 263, 305, 326, 327, 333, 334, 337 and 341.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to the students, teachers and parent volunteers from Fremont Elementary School, students: David Bradt, Alicia Contreras, Hannah Dobney, Samantha Dominguez Hernandez, Jayden Dunlap, Tyler Germain, Vladimir Gonzalez, Joshua Holmes, Ivan Iza, Vivian Lathrop, Lydicia Mancillas, Olivia Martin, Anthony Meyer, Cali Moore, Kaleb Nix, Sutter Reynolds, Anay Romero Estupinan, Yanelly Salgado, Samantha Silva, Brooklyn Wall, Christopher Zierten and teacher, Mrs.

Senator Denis moved that the Senate adjourn until Monday, May 27, 2013 at 11:30 a.m.
Motion carried.

Senate adjourned at 9:51 p.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate

UNION LABEL