Senate called to order at 11:37 a.m.
President Krolicki presiding.
Roll called.
All present.
Prayer by Pastor Albert Tilstra, Seventh-day Adventist Church, Fallon.

As a battery is recharged without sound or motion, so will You, in this quiet moment, send Your Spirit into the hearts and minds of Your servants—the Senate of this State. With newness of life, with spiritual power, vision and lively faith, enable them to meet all the demands of this day with glad anticipation, and give them peace through You.

AMEN.

Pledge of Allegiance to the Flag led by Senator Brower.

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. 308 and 328, 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 Legislative Operations and Elections, to which was referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, Chair

Mr. President:
Your Committee on Natural Resources, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.
To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 58, 423, 446, 447, 463, 466, 469, 498; Senate Joint Resolution No. 14 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. 46, 58, 125, 145, 404, 461, 491.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 628 to Assembly Bill No. 10; Senate Amendments Nos. 668, 830 to Assembly Bill No. 35; Senate Amendment No. 627 to Assembly Bill No. 44; Senate Amendment No. 854 to Assembly Bill No. 48; Senate Amendment No. 735 to Assembly Bill No. 54; Senate Amendment No. 636 to Assembly Bill No. 64; Senate Amendment No. 613 to Assembly Bill No. 87; Senate Amendment No. 625 to Assembly Bill No. 97; Senate Amendment No. 614 to Assembly Bill No. 99; Senate Amendment No. 637 to Assembly Bill No. 116; Senate Amendment No. 692 to Assembly Bill No. 126; Senate Amendment No. 638 to Assembly Bill No. 156; Senate Amendment No. 615 to Assembly Bill No. 172; Senate Amendment No. 633 to Assembly Bill No. 200; Senate Amendment No. 605 to Assembly Bill No. 233; Senate Amendment No. 812 to Assembly Bill No. 300; Senate Amendment No. 882 to Assembly Bill No. 345; Senate Amendment No. 883 to Assembly Bill No. 346; Senate Amendments Nos. 694, 839 to Assembly Bill No. 348; Senate Amendment No. 722 to Assembly Bill No. 456; Senate Amendment No. 655 to Assembly Bill No. 494.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 766 to Assembly Bill No. 95; Senate Amendment No. 734 to Assembly Bill No. 98; Senate Amendment No. 831 to Assembly Bill No. 349.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 185, Assembly Amendment No. 791, and requests a conference, and appointed Assemblmen Benitez-Thompson, Sprinkle and Stewart as a Conference Committee to meet with a like committee of the Senate.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all measures just reported out of committee be immediately placed on the appropriate reading file for this legislative day.

Motion carried.

Senator Smith moved that Senate Bill No. 72 be taken from the Unfinished Business File and placed on the Unfinished Business File for the next legislative day.

Motion carried.

Assembly Concurrent Resolution No. 7.

Resolution read.

Senator Segerblom moved the adoption of the resolution.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Concurrent Resolution No. 7 urges the Office of the Governor to continue the Legislature’s involvement in analyzing the potential economic impact of listing the Greater Sage-grouse as an endangered or threatened species, and in developing and implementing strategies to preclude such a listing. This is of major economic interest to rural Nevada. I hope the Governor will follow our urging. Thank you.

Resolution adopted.
Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 46.
Senator Smith moved that the bill be referred to the Committee on Revenue and Economic Development.
Motion carried.

Assembly Bill No. 58.
Senator Smith moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 125.
Senator Smith moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 145.
Senator Smith moved that the bill be referred to the Committee on Transportation.
Motion carried.

Assembly Bill No. 404.
Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.
Motion carried.

Assembly Bill No. 461.
Senator Smith moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 491.
Senator Smith moved that the bill be referred to the Committee on Finance.
Motion carried.

Senator Smith moved that Assembly Bill Nos. 46, 58, 125, 145, 404, 461 and 491 be referred en bloc to the committees set forth above.

SECOND READING AND AMENDMENT

Senate Bill No. 308.
Bill read second time.
The following amendment was proposed by the Committee on Finance.
Amendment No. 903.
Senator Kieckhefer moved the adoption of the amendment.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Amendment No. 903 to Senate Bill No. 308 clarifies existing law related to active military members who have served in a campaign or expedition for which the
federal government is authorized a medal to be eligible for a tax exemption if individuals meet
the criteria, including those who served on or after January 1, 2011. This ensures our veterans
deserve what they have coming to them in terms of tax abatements. Thank you.

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

Assembly Bill No. 150.
Bill read second time.
The following amendment was proposed by the Committee on Legislative
Operations and Elections.

Amendment No. 906.
Senator Atkinson moved the adoption of the amendment.
Remarks by Senator Atkinson.

Thank you, Mr. President. Assembly Bill No. 150 relates to interim legislative studies.
Amendment No. 906 to Assembly Bill No. 150 deletes from the bill the provisions that relate to
repealing the Legislative Committee on High-Level Radioactive Waste. Thank you.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 3.
Bill read third time.
Remarks by Senator Kieckhefer.

Thank you, Mr. President. Senate Bill No. 3 requires that the county commissioners of each
county remit to the state an amount determined by the Director of the Department of Human
Resources in order to fund the non-federal share of expenditures set forth in Section 272 of
Chapter 422 of Nevada Revised Statutes. Additionally, the bill limits the payment to the state not
to exceed the equivalent to the amount collected from 8 cents on each $100 of assessed valuation
of all taxable property in the respective county. The bill becomes effective on July 1, 2013.
Thank you.

Roll call on Senate Bill No. 3:
YEAS—21.
NAYS—None.

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

Senator Denis moved that the Senate recess until 12:45 p.m.
Motion carried.

Senate in recess at 12:05 p.m.

SENATE IN SESSION

At 1:33 p.m.
President Krolicki presiding.
Quorum present.

Senate Bill No. 21.
Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Senate Bill No. 21 requires the State Controller to pay officers and employees of the Executive and Judicial branches of State government through an electronic system, and allows the Board of Regents to establish an electronic system to pay the salaries and wages of academic staff and employees of the Nevada System of Higher Education. The bill provides a uniform interest rate applicable to debts assigned by state agencies to the State Controller’s Office for collection and provides that the State Controller is not required to refund overpayments to the state of less than $10 unless a refund is timely requested in writing within one year.

Senate Bill No. 21 also prohibits certain licensing agencies from renewing licenses, certifications, registrations or permits or other authorizations that grant the authority to engage in certain professions or occupations if: (1) the person owes a debt to a State agency, which has been assigned to the Controller’s Office for collection, or; (2) the person has not provided required information to those licensing agencies. This is a good bill; I urge your support. Thank you.

Roll call on Senate Bill No. 21:

YEAS—21.
NAYS—None.

Senate Bill No. 21 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by the Committee on Finance.

Amendment No. 905.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 905 to Senate Bill No. 328 cleans up some of the language that was not quite certain in the original draft. It ensures the programs for career and technical education are going to be appropriately carried out as we move forward. The amendment also increases from 5 percent to 7.5 percent any State money appropriated can be used to provide leadership and training activities. Thank you.

Amendment adopted.

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

Senate Bill No. 340.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 340 authorizes the creation of an Office for Patient Centered Medical Homes within the Health Division. The bill establishes an Advisory Council on Patient-Centered Medical Homes. It is designed to increase access, increase quality, allow sharing of information and the main caveat is the substantive provisions of the bill become effective when the Administrator of the Health Division determines that sufficient funding exists to carry out the purpose of the bill, and those provisions expire by limitation on June 30, 2019. Thank you.

Roll call on Senate Bill No. 340:
YEAS—21.
NAYS—None.

Senate Bill No. 340 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 374.
Bill read third time.
Remarks by Senators Segerblom, Hutchison, Settelmeyer, Goicoechea, Gustavson, Brower, Hammond and Hardy.

SENATOR SEGERBLOM:
Thank you, Mr. President. I rise in support of Senate Bill No. 374. There has been a lot of work put into this bill. After 12 years we are finally doing what the voters of Nevada have told us in the Nevada Constitution that we are supposed to do. I had a great speech, but I forgot it so I will ask my colleague from Senate District No. 6 to explain the bill. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. I rise in support of Senate Bill No. 374. Many of us have spent significant time this Session working on this bill, especially our colleague from Senate District No. 3. He is not known for his conservative political philosophy. Although I will say I harbor some hope now that Chuck Muth’s daughter has been seen sitting next to him and working on him on the Senate floor. Some would ask why we, as members of the Senate Committee on Judiciary, have joined with the Senator from Senate District No. 3 given our different political views. In fact, I have said repeatedly that when this medical marijuana question was on the ballot in 1998 and 2000, I voted against it. I did not think it was a good idea.

The reason I support Senate Bill No. 374 is because I, along with many of you in this Chamber, am a strong supporter of the enforcement of constitutional rights and dedicated to the rule of law. In 2000, the voters voted for the second time in favor of amending the Nevada Constitution to require the Legislature to provide by law for the use of medical marijuana on the advice of patient’s physician for treating certain types of medical conditions including cancer, glaucoma, AIDS and other chronic conditions.

The Nevada Constitution was amended to include, as a constitutional right, the use of medical marijuana. It doesn’t matter what I think about the wisdom of the use of medical marijuana—as I said, I didn’t agree with the ballot initiative. But if we truly believe in the rule of law, and if we truly believe in constitutional rights, we cannot pick and choose which of those constitutional rights to enforce.

It is important to me that an express provision of the Nevada Constitution now states, “The Legislature shall provide by law for authorization of appropriate methods for supply of the plants to patients authorized to use it.” According to at least some courts in this State, the Legislature has never done this. In fact, courts are dismissing—throwing out of court—criminal complaints against those distributing medical marijuana. This is occurring after substantial law enforcement resources have been expended on these cases. In my judgment, as a Legislature during this current Session, we need to provide an appropriate and legal method for the distribution to patients of medical marijuana. Senate Bill No. 374 is the bill to do that. The bill is not perfect but it is a solid bill that recognizes the constitutional rights of Nevadans to access medical marijuana, and to aid law enforcement in identifying those who are complying with the law and those who are violating the law.

Senate Bill No. 374 provides for medical marijuana dispensaries, growth facilities and edible products. It is modeled after Arizona’s medical marijuana laws. The bill proceeds on the fundamental principal that these facilities and businesses are to look, feel and operate like pharmacies and medical facilities—not something akin to a Jerry Garcia smoking lounge. Nevada will be the opposite of California and its experience with medical marijuana. I appreciate that my friend Mr. Bill Myers is here in attendance with us. When we went to
Arizona as a committee, he graciously opened his medical marijuana dispensary. It was impressive. Its appearance and operation had the look and feel of a medical facility.

To the credit of the Chair of the Senate Committee on Judiciary, he was open to input and cooperation from various interest groups. I made clear from the beginning and the Chair embraced the idea that law enforcement had to be on board and comfortable with what we were proposing in this bill. Based on our meetings with representatives of law enforcement I believe they are, by and large, comfortable with the bill. Indeed the bill provides that the revenue raised by the fees in this bill will be used first by the Division of Health to fully and completely implement and enforce the provisions of this bill including assisting law enforcement in all efforts to ensure those involved in the production and distribution of medical marijuana are doing so safely, securely and legally.

In conclusion, I ask my colleagues to support Senate Bill No. 374, and to ensure we embrace the rule of law and that Nevadans’ constitutional right to have access to medical marijuana is properly and legally implemented—regardless of how we feel personally about the merits or wisdom of using medical marijuana. Thank you.

SENATOR SETTLEMEYER:
Thank you, Mr. President. Being a supporter of the 10th Amendment, I appreciate very much my colleagues’ attempt to nullify federal law. However, one of the issues I have with Senate Bill No. 374 is I feel we are asking our constituents to put into conflict the Nevada Constitution—which clearly states that it is acceptable. Yet the federal government has dictated that when it comes to Second Amendment rights, those can go away if you have a medical marijuana card. This is an open letter from the Federal Firearms Licensees dated September, 2011, that states, “It is unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such a person is unlawful user of an addictive or controlled substance.” Specifically it references marijuana cards in the letter. For that reason, I oppose the bill. It puts our constituents in a strange position where they have to choose their rights under the Nevada Constitution or the United States Constitution Second Amendment rights. Thank you.

SENATOR GOICOECHEA:
Thank you, Mr. President. I reluctantly rise in support of Senate Bill No. 374. Marijuana is illegal under federal law. But in the State of Nevada the voters and this Legislative Body twice did pass—and it is in our Nevada Constitution—that we will provide for medical marijuana. While I have some real heartburn with the bill, the biggest concern I have is that technically the bill allows possession of 2.5 ounces, or $1,000 worth of marijuana in your pocket. If you have a medical card, you are street dealer—you have the ability to have it in your possession. That is the part of the bill I especially do not like.

I also have some constituents who are very concerned about their ability—they do have medical marijuana cards—to pay for the marijuana at $400 per ounce, which is the going rate we heard in testimony. It is super expensive. We had testimony that folks would prefer to have the ability to grow their own. I am going to support this bill. Hopefully we can send it to the Assembly and they will make some changes. Thank you.

SENATOR GUSTAVSON:
Thank you, Mr. President. I rise in opposition to Senate Bill No. 374 for the same reasons specified by my colleague from Senate District No. 17. Also, I do not know how many of you are aware but the California Supreme Court recently—three weeks ago—passed a ruling, with a vote of seven to zero, saying that local governments do have a right to ban these pot stores. One week after the ban took effect, over 200 cities have already banned the stores. That should tell us something; not that I usually propose doing what California does, but I think they have made the right decision here. I ask you to oppose this bill for the safety and health of our communities. Thank you.

SENATOR BROWER:
Thank you, Mr. President. I rise in support of Senate Bill No. 374 for the same reasons specified by my colleague from Senate District No. 17. Also, I do not know how many of you are aware but the California Supreme Court recently—three weeks ago—passed a ruling, with a vote of seven to zero, saying that local governments do have a right to ban these pot stores. One week after the ban took effect, over 200 cities have already banned the stores. That should tell us something; not that I usually propose doing what California does, but I think they have made the right decision here. I ask you to oppose this bill for the safety and health of our communities. Thank you.
complications have been completely sorted out with this particular version of the bill either. Many of you know that our colleague from Senate District No. 6 and I go back a few years—we actually went to junior high school and high school together. If someone were to say to me, circa 1980, that he and I would be defending the partial legalization of marijuana some 30 years later I would have said they were crazy. But here I am, here he is and here we are.

For me, this boils down to a constitutional issue. The relevant provision of the Nevada Constitution has been read previously—it says “shall.” The voters of our State have spoken. We can disagree if we want with the wisdom of that decision. We can disagree how that decision should be implemented. But the fact remains that our Nevada Constitution mandates that we as a Legislature come up with a statutory and regulatory regime for dealing with this issue. There are some complications: we all know the federal law still prohibits the possession and use of marijuana for any purpose, medical or otherwise. We are going to have to work through that as a State and as a federal government from a law enforcement perspective. I think this bill is a reasonable start down the path of complying with our own Nevada Constitution. So we have to pass this, in my view. If it can be improved while it is in the Assembly, so be it.

With the cooperation of law enforcement, and hopefully the cooperation to some extent of federal authorities, this is something the people of Nevada have mandated we do. For that reason, I support this bill. Thank you.

SENATOR HAMMOND:
Thank you, Mr. President. I rise in support of Senate Bill No. 374. The students listening in from Rancho High School today are certainly getting a civics lesson. My support has a lot to do with the will of the people. Twelve years ago, the people of Nevada passed this; they wanted it regardless of whether or not I believe marijuana has medicinal purposes. It says clearly in Section 38 of Article 4 of the Nevada Constitution, if I am not mistaken, that we shall implement this. It is almost embarrassing that it has taken this long to write up the regulations and the procedures for being able to dispense this. I think it is important we show leadership here, and that is what we have done this Session. I applaud all of the work that has gone into getting this legislation together. I know several of my colleagues have worked hard on this. I have had a small part in it.

For those who are listening in, you have to understand that our forefathers put the Nevada Constitution together understanding the role of the States—they’re experimental labs: we cannot all be uniform. There will be differences that we have to work out. There will be differences between our State and what is done by the federal government. That is the whole reason why we have the 10th Amendment. I have no problem going forward from where we are right now because this is in the Nevada Constitution. It specifically states what we are supposed to do. We should be making sure those who now have the right to marijuana for medicinal purposes have a distribution system in order to access it. I encourage all of my colleagues to vote in support of the bill. Thank you.

SENATOR HARDY:
Thank you, Mr. President. As a physician I have been able to wrote medical marijuana prescriptions for a long time, and I have under the form of what we call Marinol. It is legal and approved by the Federal Drug Administration; the dosage is able to be measured; the frequency and the duration is known; the active metabolites too. The active substance in marijuana is legal, it is available and people can fill it without going to a special dispensary. It is available in pharmacies; the Board of Pharmacy regulates it. It is something that is controlled. If you want to compare, you can look at Marinol on the Internet. It will present various questions and answers, comparing Marinol with marijuana. Anyone can read about it.

What you will find is there is a reasonable way to give marijuana in the form of a legal, prescriptive, measurable, accountable dose so that people know what they are getting. By the way, smoking is still bad for you. I am opposed to Senate Bill No. 375. Thank you.

SENATOR HUTCHISON:
Thank you, Mr. President. The lawyer in me could not resist an opportunity to comment on some of the points made by my colleagues. I will tell you that if somebody gets medical marijuana and distributes it to someone else without authorization, they are criminals. Law
enforcement resources should be directed at them. You cannot walk around with a pocket full of medical marijuana and distribute it without violating the current law, as well as the provisions under this bill. It may or may not be expensive depending on competition. There will be 40 dispensaries in Clark County alone. Overall, 10 percent of the total number of pharmacies will determine the number of dispensaries. Competition will control prices just as it does in the free market with other commodities.

If I were in California, I would support banning all of the pot stores there too. We are not going to be California. This will not be Venice Beach. If I were in California, I would be the first to vote to shut down the abominations that they call marijuana dispensaries. They do not look anything like the ones we will have in Nevada under this bill; those will be pharmaceutical in nature and medicinal in purpose. Finally, I want to note that there are a lot of great arguments that could have been made—and were made—back in 2000 as to why we should not pass the medical marijuana initiative that was on the ballot, including the fact that you have alternative drug opportunities, alternative pharmaceutical opportunities. That was a great argument back in 2000, but it is not a good argument now because the voters of Nevada passed that initiative. It is now a constitutional right to have medical marijuana and to have it dispensed in a meaningful way. I am in support of this bill, and I urge your support, not for the legalization of marijuana—I am against the legalization of marijuana, and don’t even ask me to vote for that next go-round—but I am fully in support of enforcing the constitutional right for Nevadans to access medical marijuana. Thank you.

SENATOR BROWER:
Thank you, Mr. President. I am on the same page with my colleague from Senate District No. 6 on this issue. What I failed to say earlier—and I meant to—I really do appreciate the very hard work put in by my colleagues from Senate District No. 6 and Senate District No. 3. This was a difficult issue to take on. I watched from the sidelines, getting updates from time to time. I am very happy with the way the various sides and interested parties were able to come together and put together a bill that is a start down the path of making sure we are in compliance with the Nevada Constitution. There is still a lot of work to be done. I hope I am not standing up here, or somewhere else, lamenting the fact that we screwed this up, at some point in the future. Frankly, when this debate was had in the Assembly some 10 years ago when I was there, I was very skeptical. I said so on the record, that I didn’t think it would work the way we wanted it to work. And here we are. It has not worked. I hope in 10 years I am not saying, “I told you so.” This is a prudent first step. I urge your support. Thank you.

Roll call on Senate Bill No. 374:
YEAS—17.
NAYS—Cegavske, Gustavson, Hardy, Settelmeyer—4.

Senate Bill No. 374 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.
Senator Denis moved that the Senate recess subject to the call of the Chair.
Motion carried.
Senate in recess at 2:02 p.m.

SENATE IN SESSION

At 4:50 p.m.
President Krolicki presiding.
Quorum present.

GENERAL FILE AND THIRD READING
Senate Bill No. 406.
Bill read third time.
Remarks by Senator Smith.

Thank you, Mr. President. I rise in support of Senate Bill No. 406 which prohibits, with certain exceptions, a municipality from pledging the proceeds of the Local School Support Tax to finance a project within a tourism improvement district created on or after July 1, 2013. A municipality may create a tourism improvement district within a redevelopment area, but is prohibited from using the financing and reimbursement methods of both the tourism improvement district and redevelopment area for a project. On STAR Bond projects, the developer will no longer be able to use the Local School Support Tax for financing; it will keep the school districts whole.

The owner of a project within a tourism improvement district must provide to the Department of Taxation, upon request, information identifying retail facilities that open or close within the project. This helps the Department of Taxation better identify which businesses are in the tourism improvement district. We have multiple businesses that are located throughout the State, and sometimes the Department of Taxation is unable to identify which businesses are in the tourism improvement district. The bill also requires the semiannual report submitted to the Legislature by the Department of Taxation concerning the businesses within a tourism improvement district to provide information separately for each tourism improvement district within the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business. This is a clarification from a bill we passed last Session to ensure the information is proprietary; that had always been my promise to businesses. In such a case, the bill requires the report to provide information in the aggregate. The Department of Taxation is not required to submit a semiannual report if one cannot be prepared in a manner that would not disclose or lead to the disclosure of information about an individual business.

Financing of or reimbursing a project that includes the relocation on or after July 1, 2011, of a retailer to a tourism improvement district from a location outside of and within three miles of the tourism improvement district location is prohibited. In my opinion this bill provides more accountability, and it also keeps our schools whole which is an important piece of this legislation. I urge your support. Thank you.

Roll call on Senate Bill No. 406:
YEAS—21.
NAYS—None.

Senate Bill No. 406 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 407.
Bill read third time.
Remarks by Senators Smith and Kieckhefer.

SENATOR SMITH:

Thank you, Mr. President. Senate Bill No. 407 delays implementation of the teachers and leaders performance evaluation system to allow for a pilot testing program and a validation study. However, school districts may choose to begin implementation of the system prior to that time. The bill clarifies that decisions about an educator regarding employment status or disciplinary action may not be based upon the validation study. Additionally, it requires the Teachers and Leaders Council to make recommendations to the State Board of Education concerning the evaluation of counselors, librarians and other licensed educational personnel. Further, the measure provides for a pilot program for peer review evaluations in certain schools.
The bill provides an observation schedule for educators as part of the evaluation system, based upon the designation of the educator from the previous school year. Additionally, the bill prohibits the use of student achievement data from the statewide database to evaluate a first time probationary employee. The bill also clarifies the definition of school administrator for evaluation purposes. The State Board of Education is required to prescribe the student achievement data that will be used in the evaluation of educators beyond what is currently reported in the statewide longitudinal database. Finally, the bill authorizes $50,000 from the Educational Trust Account in each year of the 2013-15 biennium for costs associated with the work of the Teachers and Leaders Council required by this legislation. The bill also authorizes the Department of Education to transfer General Fund appropriations of $986,250 or $1.3 million in fiscal year 2015 from reserves for the professional development of teachers and administrators to implement the statewide performance evaluation system. The amount of the transfer from reserves will be based on the results of the validation study. The section of the bill authorizing the use of funding from the Educational Trust Account becomes effective upon passage and approval; the remaining provisions of the bill become effective on July 1, 2013.

This bill is one of the really critical pieces of what we are doing this Session for education reform. It is a continuation of what we passed last Session. The evaluation system is critically important to both the students and the teachers in their profession. A lot of work has been put into this Teachers and Leaders Council by many teachers throughout the State. This will allow them to continue their good work, and will allow the validation study. If you have been following this issue nationally, you know there have been a few problems around the country. Rather than us rushing through this, we can learn from their lessons and make sure that we spend the time and effort needed to get this right. We don't want to end up as one state did having to actually pay back money they gave in error due to system problems. I urge your support. Thank you.

SENATOR KIECKHEFER:
Thank you, Mr. President. Senate Bill No. 407 is one of those bills that amplifies the amount of time it takes to do anything within government. It is a long process to do anything. In some cases it needs to be an even longer process to do anything right. This is one we have to get right. I reluctantly support this bill. It pushes off the implementation of some of the key reforms that passed last Session, but it does so for good cause. If we decide to get serious about structuring our compensation for our professional educators based on their value and performance in the classroom, this is the kind of data we need. We have to have accurate, reliable data for decision making regarding the compensation for teachers and administrators. That compensation should adequately reflect their value to the education system. Thank you.

Roll call on Senate Bill No. 407:
YEAS—21.
NAYS—None.
Senate Bill No. 407 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 487.
Bill read third time.
Remarks by Senators Woodhouse, Kieckhefer and Settelmeyer.

SENATOR WOODHOUSE:
Thank you, Mr. President. Senate Bill No. 487 makes a General Fund appropriation totaling $5 million to the Office of the State Treasurer for the Governor Guinn Millennium Scholarship Program to improve the financial soundness of the Millennium Scholarship Trust Fund. The Treasurer’s Office and the Fiscal Analysis Division project that the Millennium Scholarship Trust Fund would be solvent through fiscal year 2017 with the additional $5.0 million
appropriation. However, without the additional appropriation, the Millennium Scholarship Trust Fund is projected to be solvent through fiscal year 2016. The bill becomes effective upon passage and approval. I urge your support. Thank you.

SENATOR KIECKHEFER:
Thank you, Mr. President. I want to point out that this a $5 million appropriation from the General Fund to the Millennium Scholarship program to keep the program solvent. We are assured this is still necessary to keep the scholarship program solvent through 2017 even though we have had an additional influx of Tobacco Settlement money into the program that exceeds the $5 million. We were told $5 million was needed for solvency; it has received about $8 million on top of what was expected, and now we are being told the $5 million is still necessary. I have a certain amount of distrust in the numbers for what is required to keep the program solvent at the Treasurer’s Office. However, I will not jeopardize the future appropriations and allocations for this program for our high school students, so I will be supporting the bill. But I will also be encouraging all of us to keep a watchful eye over it. Thank you.

SENATOR SETTELMEYER:
Thank you, Mr. President. I rise in support of Senate Bill No. 487. I understand why it is necessary. I have some kids who will hopefully be going to college pretty soon. It is too bad we didn’t securitize all of this money way back when. Thank you.

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

Senate Bill No. 487 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senate Bill No. 502.
Bill read third time.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Senate Bill No. 502 authorizes the Health Division to establish a secure internet website to enable persons or entities to conduct background investigations and investigate the personal history of a person who is required to have such investigations done. The bill specifies that the information in the website is confidential and not subject to inspection by the general public. Additionally, the bill specifies the eligible users of the website to include the following: Juvenile Courts, State Facilities for the Detention of Children, Foster Homes for Children, Services to Aging Persons and Persons with Disabilities, Public Services for Children, Services and Facilities for the Care of Children – Child Care Facilities, Protection of Children from Abuse and Neglect, Additional Provisions Related to Children – Mental Health, Persons with Mental Retardation and Related Conditions and Medical and Other Related Facilities.

Senate Bill No. 502 authorizes the Health Division to enter into cooperative agreements to obtain and accept information for inclusion on the website. The bill specifies the personal information that may be maintained and stored on the website, and authorizes the Health Division to determine the information necessary for the user to conduct an investigation into the background and personal history of an employee. The bill authorizes the Health Division to adopt regulations to prescribe a user fee and to carry out the provisions of the bill. Furthermore, the bill adds certain facilities that will be required to do background investigations of their employees, employees from a temporary employment service and independent contractors. The bill also requires that temporary employment services ensure employees are eligible to provide such services, provide proof that each employee has been continuously employed by the temporary employment service since the last required investigation, and notify the facility if the
employee has not had an investigation completed within the preceding five years. The bill requires facilities and entities to use the internet website as part of the investigation of employees, employees of a temporary employment service and independent contractors, if the website has been established. The bill exempts certain persons from the criminal background investigation if an investigation has been conducted within the immediately preceding five years.

Senate Bill No. 502 also requires the entities or facilities which are required to conduct background investigations to maintain a current list of its employees, employees from a temporary employment service, and independent contractors on the internet website. The bill authorizes the Central Repository for Nevada Records of Criminal History to maintain electronic images of fingerprints for the purpose of notifying certain entities if an employee, employee of a temporary employment service or independent contractor have been convicted of certain crimes, including violent crimes, prostitution, domestic violence, or abuse of a child or older person. The bill becomes effective on July 1, 2013. Thank you.

Roll call on Senate Bill No. 502:
YEAS—21.
NAYS—None.

Senate Bill No. 502 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 518.
Bill read third time.
Remarks by Senator Goicoechea.
Thank you, Mr. President. Senate Bill No. 518 establishes the following state contributions for active employee and retiree group health insurance for the 2013-15 biennium. Active employees are to pay $688.37 per person per month in fiscal year 2014 and $695.35 per person per month in fiscal year 2015. Non-Medicare retirees are to pay $452.26 per month in fiscal year 2014 and $462.20 per month in fiscal year 2015. For those Medicare-eligible retirees who retired before January 1, 1994, the contribution is $165 per month (that is, $11 multiplied by 15 Years of Service credit). For those Medicare retirees who retired after January 1, 1994, the base contribution is $11 per month per Year of Service credit. For both pre-1994 retirees and post-1994 retirees, the bill establishes a one-time additional contribution of $2 per month per Year of Service credit for both fiscal year 2014 and fiscal year 2015. Senate Bill 518, as amended, becomes effective on July 1, 2013. Thank you.

Roll call on Senate Bill No. 518:
YEAS—21.
NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to Assembly.

Senate Bill No. 519.
Bill read third time.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Senate Bill No. 519 authorizes the Director of the Department of Corrections or a designee to apply for a determination of eligibility from Medicaid on behalf of an offender. Thank you.

Roll call on Senate Bill No. 519:
YEAS—21.
NAYS—None.

Senate Bill No. 519 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that Senate Bill No. 301 be taken from the General
File and placed on the Secretary’s Desk.
Motion carried.

GENERAL FILE AND THIRD READING
Assembly Bill No. 444.
Bill read third time.
The following amendment was proposed by Senator Segerblom.
Amendment No. 907.
Senator Segerblom moved the adoption of the amendment.
Remarks by Senator Segerblom.
Thank you, Mr. President. Amendment No. 907 to Assembly Bill No. 444 adds a couple of
provisions related to matters that should be studied. It also corrects an error which was pointed
out by my distinguished colleague from Douglas County, adding “without limitation” to the part
that would investigate the fiscal costs. Thank you.

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

Assembly Bill No. 465.
Bill read third time.
Remarks by Senator Smith.
Thank you, Mr. President. Assembly Bill No. 465 renames the Records and Technology
Division of the Department of Public Safety as the General Services Division. The legislation
also expands the duties of the renamed division to include providing dispatch services and
maintaining records. This bill implements recommendations included in the Executive Budget
for the 2013-15 biennium. The bill becomes effective on July 1, 2013. Thank you.

Roll call on Assembly Bill No. 465:
YEAS—21.
NAYS—None.

Assembly Bill No. 465 having received a constitutional majority,
Mr. President declared it passed.
Bill ordered transmitted to Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS
Senator Segerblom moved that the Senate concur in the Assembly
Amendment Nos. 724 and 845 to Senate Bill No. 27.
Motion carried.
Bill ordered enrolled.
Senator Atkinson moved that the Senate concur in the Assembly Amendment No. 644 to Senate Bill No. 94.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment Nos. 728 and 840 to Senate Bill No. 131.
Motion carried.
Bill ordered enrolled.

Senator Atkinson moved that the Senate concur in the Assembly Amendment No. 726 to Senate Bill No. 208.
Motion carried.
Bill ordered enrolled.

Senator Atkinson moved that the Senate concur in the Assembly Amendment Nos. 745 and 861 to Senate Bill No. 220.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment Nos. 732 and 879 to Senate Bill No. 224.
Motion carried.
Bill ordered enrolled.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 680 to Senate Bill No. 229.
Motion carried.
Bill ordered enrolled.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 843 to Senate Bill No. 230.
Motion carried.
Bill ordered enrolled.

Senator Atkinson moved that the Senate concur in the Assembly Amendment Nos. 643 and 818 to Senate Bill No. 235.
Motion carried.
Bill ordered enrolled.

Senator Kihuen moved that the Senate concur in the Assembly Amendment No. 711 to Senate Bill No. 301.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 747 to Senate Bill No. 314.
Motion carried.
Bill ordered enrolled.
Senator Atkinson moved that the Senate concur in the Assembly Amendment Nos. 782 and 824 to Senate Bill No. 319.
Motion carried.
Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Segerblom moved that Senate Bill No. 321 be taken from the Unfinished Business File and placed on the Unfinished Business File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 685 to Senate Bill No. 383.
Motion carried.
Bill ordered enrolled.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment Nos. 856 and 886 to Senate Bill No. 384.
Motion carried.
Bill ordered enrolled.

Senator Ford moved that the Senate concur in the Assembly Amendment Nos. 823 and 875 to Senate Bill No. 399.
Motion carried.
Bill ordered enrolled.

Senator Spearman moved that the Senate concur in the Assembly Amendment No. 598 to Senate Bill No. 405.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 663 to Senate Bill No. 414.
Motion carried.
Bill ordered enrolled.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 664 to Senate Bill No. 427.
Motion carried.
Bill ordered enrolled.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 687 to Senate Bill No. 478.
Motion carried.
Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Smith moved that the motion whereby the Senate does not concur to Assembly Amendment No. 887 to Senate Bill No. 347 be rescinded. Motion carried.

Senator Smith moved that Senate Bill No. 347 be taken from the Unfinished Business and placed on the Secretary’s Desk. Motion carried.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senator Segerblom moved that the Senate do not concur in the Assembly Amendment No. 751 to Senate Bill No. 425. Motion carried.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 641 to Senate Bill No. 443. Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill Nos. 55, 99, 107, 177, 237, 269 and 278.

REMARKS FROM THE FLOOR

SENATOR DENIS:
Thank you, Mr. President. Today we have a first-of-its-kind visit via video conference. One of the things we have talked about is how can we increase participation from Southern Nevada, and our schools. It is expensive to bring kids up here from out of the area, but we do have technology. It is with pleasure and honor that I welcome Rancho High School in Las Vegas to the Senate Chamber via video conference. Rancho High is my alma mater. My colleague from Senate District No. 10 also went to Rancho High School. We are proud to be Rancho Rams. Please join me in welcoming Rancho High School. Thank you.

MR. PRESIDENT:
Rancho Rams, thank you for being part of our day. We appreciate you assisting us in having an almost on-time floor session today; there are many things going on here in the Legislature this week. It is a pleasure to see your smiling faces, and it is a pleasure to have two alum from Rancho High serving in this Body. One of them would like to speak to you now.

SENATOR KIHUEN:
Thank you, Mr. President. I would be remiss if I did not say thank you to all of the students from the best high school in Nevada—Rancho High School. Go Rancho Rams! I want to thank the students and their teacher for taking the time to be away from class to join us in the Nevada Senate. Please wave to us and we will wave to you. Mr. Freeman, thank you very much for participating in this process. As we move forward with technology in this era, this enhances our accessibility to our constituents, to all Nevadans. Also, thank you to the Secretary of the Senate for allowing us to put this together. Thank you.

MR. PRESIDENT:
Mr. Byerman, thank you for bringing this technology to the Chamber. This has been one of your good ideas, we really appreciate that. And hopefully someday soon we can see your kids video conferenced from Las Vegas so they can see their dad in action.

MR. SECRETARY:
Mr. President, I would like to recognize our Broadcast and Production Services team here at the Legislative Counsel Bureau. There was a lot of work that had to be done to make sure we could connect the Legislature’s video conferencing system and the system of Clark County School District. We had to “knock the dust off” of their system down there at Rancho High. So thank you to Dan Dalluhn, Chuck Anderson and to everybody on the Broadcast and Production Services team for making this possible. Thank you.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Denis, the privilege of the floor of the Senate Chamber for this day was extended to the students from Mr. Freeman’s class at Rancho High School, Las Vegas; fifth period: Raul Aguilar, Isidro Anzaldo-Vega, Jomel Atangan, Daisy Avelar, Flavio Bojorquez, Sabrina Carrillo, Ariyanna Carson, Cesar Carvajal, Jocelyn Conchas, Ruben Cortez, Josue Diaz, Silvia Galeno, Elmer Garcia, Erick Garcia, Joshua Garcia, Elizabeth Govea, Carl Guerra, Erika Guerrero, Lourdes Hernandez, Omar Lopez, Lindsay Morales, Jose Moreno, Elizabeth Neri, Vaness Neypes, Jesai Olmedo, Aura Ortiz, Jennifer Ramirez, Cynthia Robles, Miguel Rodriguez, Rojelio Rojas-Rosas, Marie Salazar, Andrew Sanabia, Kimberly Sanchez, Cristina Sarabia, Julia Ullmann, Mary Karen Uriostegui and Moesha Williams; seventh period: Karina Arevalo, Itzel Andrade, Sandra Cadena, Berthiely Camacho, Divyne Camberos, Reyes Chavez, Tyler Collins-Pellington, Yazmin Covarrubias, Juan Deleon, Steve Delgadillo, Heidi Diaz, Adriana Fernandez, Linda Fierro, Abraham Garcia, Elmer Gomez, Carlos Gutierrez, Jose Maya, Christian Mejia, Brandy Minniear, Alison Miranda, Gersain Monarrez, Pedro Ortega, Maria Perez, Chance Pfrummer, Jasymyn Russell, Jose Solis, Stephan Thornton, Jr., Sergio Torres, Daniel Villegas and DeJoy Williams.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Mike Houghton and Mike Willden. Also to the students, teacher and chaperones from Bordewich-Bray Elementary School; students: Meika Adams, Emily Baird, Kyle Campbell, Gavin Cerniglia, Ava Covington, Charish Creon, Deanna Duncan, Zackery Durham, Stacy Ferrel, Amar Foster, Jonathan Francone, Isaac Fuentes, Adessa Kight, Mia Liao, Owen Lieder, Arturo Mercado, Catelynn Nelson, Patrick Olivera II, Varun Pandit, Ruben Perez, Areli Rivera, Johnathan Santora, Wynter Setzer, Andrew Street, Macie Thomas, MacKenzie Wilson and Lauren Winne; teacher: Marianna Gillilan; and chaperones: Cheryl Duncan, Kaysha Kight, Gary Santora, Donald Winne Jr. and Paula Winne. Also to the students and chaperones from Empire Elementary School; students: Xavier Adkins, Anthony Aguilar, Chantel Angel, Samantha Araiza Chavez, Israel Arroyo, Hector Avila, Gabriela Avina, Leonardo Barajas-Mejorado, Kaya Burdett-Wanamaker, Juan Canedo, Kaiya Carlson, Gabriela Carrasco Solano, Dustin Cater, Roberto Cazares, Dylan Clark, Victor Clavel, Tyler Connell, Gary Cortez, Jovita Cortez, Junior Cronan, Kali Davis, Angelmario Delgado-Bracamonte, Eduardo De Paz, Sebastian Diaz Varela, Daniel Espino Cortes, Tania Fernandez, Belen Figueroa, Verenice Garcia,

On request of Senator Kihuen, the privilege of the floor of the Senate Chamber for this day was extended to Jesseca Pacheco and Yesenia Pacheco.

On request of Senator Roberson, the privilege of the floor of the Senate Chamber for this day was extended to the students from Hummel Elementary School: Kevin Campbell, Kyle Costolo, Andrew Ditter, Kendall Eagar, Stephanie Kaplan, Evan Kasprowicz, Angel Leon, Rylee McCord, Avi McGaughey, Riley McMurray, Alejandra Mendoza, Liann Perez-Odents, Lidiberto Rosa, Jersey Tager, Joy Watkins, Cody Clemens, Tristan Hansen, Adam Fuka, Daniel Martinez, E Lise Miller, Ariana Pulestasi-Acosta, Triton Querubin, Alona Sturdvant and Eduardo Villasana.

On request of Senator Segerblom, the privilege of the floor of the Senate Chamber for this day was extended to Kristen Muth and Bill Myer.

On request of President Krolicki, the privilege of the floor of the Senate Chamber for this day was extended to Theirry Prissert, Beth Haddad, Valerie Miller-Moore, Dave Pursell and Tom Robinson.

Senator Denis moved that the Senate adjourn until Thursday, May 30, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:55 p.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate