

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), April 1, 2011

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father,

Since we cannot always do what we like, grant that we may like what we must do, knowing that truth will one day be vindicated, and right in the end must prevail. Bless Your servants this day and keep them all in Your peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 306, 322, 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 2, 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 10, 11, 66, 103; Senate Bills Nos. 121, 191, 229, 282.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 121.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 191.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 229.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 282.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 43.

AN ACT relating to educational personnel; removing the requirement that the Superintendent of Public Instruction notify a licensee by mail of the date

of expiration of his or her license; requiring the Department of Education to maintain a directory of licensees on the Internet website maintained by the Department; **requiring the Department to provide on a monthly basis an electronic file with a list of each licensed employee whose license will expire to the board of trustees of the school district that employs the person; requiring the board of trustees of the school district to notify each licensee of the date of expiration of his or her license;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill removes the requirement that the Superintendent of Public Instruction provide written notice, by first class mail, to each person who is licensed by the Superintendent of the date on which his or her license expires. This bill also requires the Department of Education to : **(1) maintain a directory of the name of each person who is licensed and the date on which his or her license expires ~~and to~~ ; (2) make that information available to licensed educational personnel and to the general public on the Department's Internet website. ~~;~~ ; and (3) provide to the board of trustees of each school district, each calendar month, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month. This bill further requires the board of trustees of each school district to notify each licensed employee identified in the list of the date on which his or her license will expire. Such notification must be provided not later than 6 months before the date of expiration.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 391.042 is hereby amended to read as follows:

391.042 **1.** The ~~{Superintendent of Public Instruction}~~ *Department* shall ~~{provide written notice to each person}~~ :

~~**(a)** Maintain a directory of the name of each person who holds a license issued pursuant to this chapter ~~{of}~~ and the date on which ~~{the}~~ *his or her* license expires ~~[- The written notice must be mailed, by first class mail, to the last known address of the licensee, as reflected in the records of the Superintendent, not less than 6 months and not more than 1 year before the date of expiration.] ; ~~and~~~~~~

~~**(b)** Make the directory readily available to licensed educational personnel and to the general public on the Internet website maintained by the Department ~~;~~ ; and~~

~~**(c)** Provide to the board of trustees of each school district, at the end of each calendar month, an electronic file with a list of each licensed~~

employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month.

2. The board of trustees of a school district shall notify each licensed employee identified in the list received pursuant to paragraph (c) of subsection 1 of the date on which his or her license will expire. The notice must be provided not later than 6 months before the date of expiration of the license.

Sec. 2. This act becomes effective on July 1, 2011.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 91.

AN ACT relating to the Nevada System of Higher Education; encouraging the Board of Regents of the University of Nevada to examine, audit and revise certain aspects of the System to ensure the educational needs of students and prospective students will be met in an economical and efficient manner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law encourages the Board of Regents of the University of Nevada to review periodically their mission for higher education to determine whether there is unnecessary duplication of programs or courses at institutions within the Nevada System of Higher Education which might be more appropriate for a different institution. (NRS 396.504) This bill encourages the Board to: (1) examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each institution within the System; (2) examine and audit the educational opportunities, programs and services offered by those institutions; and (3) implement measures pursuant to which the educational needs of students and

prospective students will be met in the most economical and efficient manner possible, including revising the courses of study offered at the various institutions so that programs of remedial education, continuing education and entry-level higher education are conducted at community colleges within the System; programs of baccalaureate-level higher education ~~for teachers and nurses and other related medical fields~~ are conducted at state colleges within the System; and programs of baccalaureate-level higher education in other disciplines and graduate-level higher education and research are conducted at universities within the System and the Desert Research Institute.

WHEREAS, The Board of Regents of the University of Nevada governs the Nevada System of Higher Education; and

WHEREAS, The Nevada System of Higher Education encompasses several different types of institutions of higher education, including, without limitation, universities, colleges and community colleges; and

WHEREAS, Each type of institution of higher education within the Nevada System of Higher Education is uniquely situated to provide different educational opportunities for its students, including, without limitation, remedial education, continuing education, entry-level higher education, baccalaureate-level higher education, and graduate-level higher education and research; and

WHEREAS, Over time, the number of institutions of higher education within the Nevada System of Higher Education expands and the focus of each such institution is defined and further redefined; and

WHEREAS, To the extent that the educational programs of the institutions of higher education within the Nevada System of Higher Education can be tailored specifically to meet the needs of different categories of students, both the System and its students may be better served and able to realize significant cost savings; and

WHEREAS, To the extent that the educational programs of the institutions of higher education within the Nevada System of Higher Education are not tailored specifically to meet the needs of different categories of students, inefficiencies and redundancies may result; and

WHEREAS, In the present economic climate, it is more important than ever before to ensure that the institutions of higher education within the Nevada System of Higher Education are meeting the needs of their respective students and prospective students in the most affordable, cost-effective and efficient manner possible; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.504 is hereby amended to read as follows:

396.504 *1.* The Legislature hereby encourages the Board of Regents to ~~review~~ :

(a) Examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each institution to address the needs of the students of the System.

(b) Review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.

(c) Examine and audit the educational opportunities, programs and services offered by the institutions within the System to ensure that those opportunities, programs and services are tailored appropriately to:

(1) The different categories of students and prospective students having varied aptitudes, aspirations and educational needs;

(2) The jobs and industries likely to be employing the students; and

(3) The state economic development plan.

(d) Insofar as is practicable to achieve the goals set forth in paragraphs (a), (b) and (c), implement measures pursuant to which the educational needs of students and prospective students will be met by providing:

(1) Programs of remedial education, continuing education and entry-level higher education at community colleges.

(2) Programs of baccalaureate-level higher education ~~for teachers and nurses and related medical fields~~ at state colleges.

(3) Programs of baccalaureate-level higher education in other disciplines and graduate-level higher education and research at universities and the Desert Research Institute.

(e) On or before September 1 of each year, provide a report of its findings and any adjustments made and actions taken as a result of those findings to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular session of the Nevada Legislature.

2. The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 105.

SUMMARY—Urges the Federal Government to engage in discussions regarding the mitigation **and containment** of water contamination in Nevada which resulted from certain nuclear activities that were conducted in this State by the Federal Government. (BDR R-895)

ASSEMBLY JOINT RESOLUTION—Urging the Federal Government to engage in discussions with the State of Nevada and Nye County, Nevada, regarding the mitigation **and containment** of water contamination in Nevada which resulted from certain nuclear testing and storage activities that were conducted by the Federal Government in Nye County, Nevada.

WHEREAS, The Federal Government has conducted numerous public, secret and classified activities and military exercises in Nevada that have resulted in the contamination of the water supply in this State with radioactive material and other hazardous contaminants; and

WHEREAS, The Nevada National Security Site, formerly the Nevada Test Site, which is located in Nye County, Nevada, approximately 40 miles north of Pahrump, Nevada, and 65 miles northwest of Las Vegas, Nevada, was established by the Federal Government in 1950 for the purposes of detonating nuclear devices and conducting other public, secret and classified nuclear tests in connection with the research and development of nuclear weapons for use by the Armed Forces of the United States; and

WHEREAS, From 1951 until 1992, the Federal Government conducted 100 atmospheric nuclear tests and 828 underground nuclear tests at the Nevada National Security Site, which resulted in the detonation of 1,021 nuclear devices; and

WHEREAS, Approximately one-third of the underground nuclear tests at the Nevada National Security Site were conducted directly in aquifers, and many other underground tests were conducted above and below the water table; and

WHEREAS, Radioactive particles have migrated via water from the Paiute Mesa area of the Nevada National Security Site toward Beatty, Nevada; and

WHEREAS, The United States Department of Energy has estimated that nuclear testing at the Nevada National Security Site left behind more than 300 million curies of radionuclides, making the Site one of the most radioactively contaminated places in the United States; and

WHEREAS, Since 1961, Area 5 and Area 3 within the Nevada National Security Site have been primary storage and disposal sites of the Federal Government for low-level and mixed low-level radioactive waste; and

WHEREAS, A study conducted on behalf of Nye County concluded that nuclear testing at the Nevada National Security Site has polluted approximately 1.6 trillion gallons of water in this State; and

WHEREAS, The aforementioned activities of the Federal Government in Nevada have had a deleterious effect on the environment of this State and have resulted in the contamination of the interconnected surface and subsurface waters, groundwater and aquifers of a large geographic area of Nevada with radioactive and other contaminants; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature respectfully urge the Federal Government to engage in discussions with the State of Nevada and Nye County, Nevada, regarding ~~the~~ :

1. The mitigation and containment of water contamination in Nevada which resulted from nuclear testing and storage activities that were conducted by the Federal Government at the Nevada National Security Site; and

2. The restoration of any water contaminated because of those activities; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, the Administrator of the Environmental Protection Agency and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Goedhart moved the adoption of the amendment.

Remarks by Assemblyman Goedhart.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the General File.

GENERAL FILE AND THIRD READING

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 113:

YEAS—40.

NAYS—McArthur.

EXCUSED—Hambrick.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblymen Munford and Brooks.

Roll call on Assembly Bill No. 174:

YEAS—42.

NAYS—None.

Assembly Bill No. 174 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblywoman Woodbury.

Roll call on Assembly Bill No. 201:

YEAS—42.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Pine Middle School: Jacob Aguiar, Jorge Aguirre Nova, Odalis Aguirre, Carolina Alonso Bolanos, Oscar Alonso Alvarado, Randy Alvarez Lopez, Lucio Alvarez Padilla, Veronica Amaya, Brandon Anderson, Madison Angotti, Jennifer Anguiano Sanchez, Jose Armando Arriaga, Reyna Avila, Jordan Baker, Taylor Barron, Mikayla Barry, Jason Bauman, Parker Billings, Travis Bohall, Connor Bologna Denault, Morgan Brace, Maria Adriana Bravo, Francisco Burgara, Dawson Campos, Devon Casazza, Yasmin Cervantes-Hernandez, Nicholas Chadwick, Daniela Chapa, Yesenia Chavez, Mary Chhay, Rylee Christensen, Zachary Clifton, Kamy Clark, Alexander Colindres, Hunter Conatser, Amethyst Cozzolino-Ford-McKnight, Abriana Crocitto, Evan Crosse, Charles Curle, Carley Davidson, Rosario De La Rosa Rojas, Caleb Dechene, Nghiem Doan, Scott Dooley, Theresa Felise, Frank Ferguson IV, Jessica Fraser, Emily Freitas, Charlotte Frias, Jonathan Galvez, Luis Garcia, Dulce Gatica-Morales, Mary Geniusz, Sergio Gonzalez Reyes, Oscar Gonzalez Roman, Andrea Gonzalez, Jessica Gonzalez, Kodiak Gregory, Keely Gristick, Ryan Gustafson, Alejandra Gutierrez, Cristofer Gutierrez, Bridget Hall, Christian Hanley, Diana Hanna, Ethan Harper, Triston Henderson, Andrew Hernandez Reyes, Janutci Hernandez, John Hill, Kyle Hill,

Claire Holman, Nicole Huerta, Elena Hughes, Colby Iles, Grace Jenkins, Alexandra Jensen, Bridget Jimenes Soto, Melissa Jimenez, Ashton Johns, Deidrick Johnson, Nicole Johnson, Nathan King, Emma Klacking, Cohen Kreitlein, Thomas Lichty, Nathan Lindh, Karla Lopez, Ana Laura Lozano, Daniel Lukkari, Giannah Luna, Ariela Magallanes Soto, Nichloas Mahaffey, Angel Manzo Veliz, Chantelle Marquez Suarez, Carlos Martinez, Kensington McCarthy, Bridget McLean, Chase McNamara, Daniel Mena Robles, Leo Mewes III, McKenna Meyer, Scott Mitchell, Lexus Montaya, Samson Moore, Jonathan Negreros, Dylan Noel, Malinalitzin Oliva, Isaac Oren, Chase Ortiz, Missael Ortiz, Liliana Pacheco, Kaimana Peredo, Denisse Perez, Madeleine Perry, Heather Peterson, Allison Piccinini, Nicholas Prinsen, Casandra Quintanilla, Cali Rezford, Ana Maria Reyes Salas, Denise Reyes, Laura Reyes, Mackenzie Reynolds, Kori Rigdon, Daniel Roberti, Dianna Rodriguez Servilla, Barbara Rodriguez, Jeanette Rodriguez, Isaiah Rogers, Doris Roig Murillo, Betsy Rosas, Austin Ross, Aejandro Ruvalcaba Rodriguez, Mario Ruvalcaba, Alondra Salazar, Cera Sbriglia, Jessie Scolari, Nathaniel Seeliger, Pablo Segoviano, Kimberlynn Shields, Brayan Silva, Luke Smagala, James Smith, Dahlia Soledad, Rachel Sonerholm, Angel Sotelo, Julia Stengel, Alyssa Terrazas, Mezon Thompson, Zonnie Thompson, Davis Tivis-Buehler, Fernando Torres, Jason Trenkle, Winson Truong, Michael Ung, Jose Valadez, Ignacio Velasquez, Johnny Velasquez, Trevor Watkins, Cameron Williams, Bryan Winkelman, Kurt Young, Anahy Zepeda Cervantes, and Marcel Zieba.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Laurel Fee, Bob Fee, Curt Swade, and Jeri Taylor-Swade.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Renae Goedhart.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Roberta Rothwell.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Orrock.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Geoff Wenzl.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Rita Hickey and Dan Hickey.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ulrika Miyashiro, Carole Donald, and Priscilla Campbell.

Assemblyman Conklin moved that the Assembly adjourn until Monday, April 4, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly