

THE FORTIETH DAY

CARSON CITY (Friday), March 18, 2011

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dixie Jennings-Teats.

O Thou who art the center of every breath we take, put us into the center of Your creativity.

Give us visions of possibility, new ways of creative action that might care for Your people in this State.

Bless these Senators as they, with the whole body of the Nevada Legislature, stand on the forefront of what has not yet been created.

Help them maintain hearts of compassion, spirits of openness and courageous actions.

On behalf of all Your people in Nevada, including those at the margins, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which were referred Senate Bill No. 14; Assembly Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MO DENIS, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 87, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 45, 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Manendo, Breeden, Parks; Assemblymen Carrillo, Ohrenschall and Hogan:

Senate Bill No. 266—AN ACT relating to property; revising provisions governing the possession of pets by tenants of a manufactured home park; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Wiener:

Senate Bill No. 267—AN ACT relating to personal information; requiring a business entity or data collector to encrypt or destroy personal information that is stored on a copier, facsimile machine or multifunction device under certain circumstances; requiring an owner or lessor of certain copiers, facsimile machines or multifunction devices to destroy any personal information that is stored on the copier, facsimile machine or multifunction device under certain circumstances; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Lee:

Senate Bill No. 268—AN ACT relating to public works; revising provisions relating to preferences when competing for contracts for certain public works projects; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hardy:

Senate Bill No. 269—AN ACT relating to elections; authorizing write-in voting for state and federal offices under certain circumstances; providing requirements for becoming a write-in candidate for state or federal office; requiring write-in candidates to submit certain campaign contribution and expenditure reports and statements of financial disclosure; providing a penalty; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Denis and Hardy:

Senate Bill No. 270—AN ACT relating to health care practitioners; requiring certain practitioners who may prescribe or administer controlled substances and dangerous drugs to complete a course of instruction relating to prescription drug abuse and addiction as a condition of licensure or certification or the renewal of a license or certificate; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Lee, Settlemeyer; Assemblymen Hickey, Kirner and Kite:

Senate Bill No. 271—AN ACT relating to land use planning; providing for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Roberson:

Senate Bill No. 272—AN ACT relating to state financial administration; eliminating the required use of base budgets in the state budget process; removing the requirement that the proposed budget for the Executive Department of the State Government include information setting out the cost of continuing each program at the same level of service as the current year; removing the requirement that the proposed budget include information comparing proposed expenditures and anticipated income with expenditures and income for the last completed fiscal year and current fiscal year; removing the requirement that the Chief of the Budget Division of the Department of Administration provide the Fiscal Analysis Division of the Legislative Counsel Bureau with the adjusted base budgets for the Executive Department and an estimated range of the costs for continuing the operation of State Government and providing elementary, secondary and higher education at the current level of service; removing the requirement that the final proposed budget prepared by the Chief and submitted by the Governor to the Legislature include adjusted base budgets for the Executive Department and the costs for continuing each program at the current level of service; revising provisions relating to the Legislature's fundamental review of base budgets; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Copenig:

Senate Bill No. 273—AN ACT relating to osteopathic medicine; authorizing an osteopathic physician to engage in telemedicine under certain circumstances; authorizing the State Board of Osteopathic Medicine to place any condition, limitation or restriction on a license under certain circumstances; requiring an osteopathic physician who performs an autopsy to submit a written report of the findings of the autopsy to the Board under certain circumstances; requiring the Board to submit to the Governor and to the Director of the Legislative Counsel Bureau certain reports compiling disciplinary action taken by the Board against physician assistants; revising provisions governing applications for licensure by the Board; revising certain provisions relating to the renewal of a license to practice osteopathic medicine; authorizing the Board to prorate the initial license fee for certain licenses; expanding the authority of the Board to discipline a physician

assistant for certain conduct; revising provisions requiring certain persons to report information relating to certain malpractice claims to the Board; expanding the authority of the Board to investigate a physician assistant for certain conduct; revising provisions governing certain complaints filed with the Board; authorizing the Board summarily to suspend the license of a physician assistant under certain circumstances; authorizing the Board to seek injunctive relief against an osteopathic physician or physician assistant for engaging in certain conduct; providing a penalty; and providing other matters properly relating thereto.

Senator Copening moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 274—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, with respect to special license plates for the support of outreach programs and services for veterans and their families, to make available an alternative version of the plates indicating service as a female veteran; requiring the Department to ensure that all special license plates for veterans, if the veteran has suffered a 100-percent service-connected disability and desires such an indication, include indicia of the veteran's disabled status; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senators Leslie and Parks:

Senate Bill No. 275—AN ACT relating to pupils; revising the definition of bullying; prohibiting bullying, cyber-bullying, harassment or intimidation under certain circumstances; providing civil liability for failure to comply with certain provisions relating to safe and respectful learning environments; providing a penalty; and providing other matters properly relating thereto.

Senator Leslie moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Parks and Leslie:

Senate Bill No. 276—AN ACT relating to education; revising provisions governing safe and respectful learning environments in public schools; requiring the Department of Education to establish training programs for members of the State Board of Education, boards of trustees of school districts, anti-bullying school district coordinators and anti-bullying school specialists on the prevention of bullying, cyber-bullying, harassment and intimidation in public schools; requiring the Department of Education to assign a grade to each school district and public school based upon certain

reports on incidents of bullying, cyber-bullying, harassment and intimidation in public schools; creating the Bullying Prevention Fund in the State General Fund; requiring the board of trustees of each school district to appoint an anti-bullying school district coordinator; requiring the principal of each public school to appoint an anti-bullying school specialist and a school safety team; authorizing a parent or legal guardian of a pupil involved in an incident of bullying, cyber-bullying, harassment or intimidation to appeal a decision of the superintendent of schools of a school district or the board of trustees of a school district concerning the incident; requiring applicants for a license to teach and certain licensed teachers to complete course work in the prevention of bullying, cyber-bullying, harassment and intimidation in public schools; revising provisions governing the grounds for disciplinary action against teachers and administrators; encouraging private schools to adopt policies governing safe and respectful learning environments; authorizing the Board of Regents of the University of Nevada to adopt a policy prohibiting bullying, cyber-bullying, harassment and intimidation; requiring the Governor to annually proclaim the first week in October to be "Week of Respect"; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Education.

Motion carried.

By Senator Wiener:

Senate Bill No. 277—AN ACT relating to juveniles; prohibiting, under certain circumstances, a minor from using an electronic communication device to possess, transmit or distribute certain sexual images of a minor; clarifying the definition of "cyber-bullying" for the purposes of certain provisions relating to education; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Horsford and Hardy:

Senate Bill No. 278—AN ACT relating to health care; requiring the Commissioner of Insurance to establish a task force to study the use in this State of electronic identification cards that contain certain health insurance information; setting forth the powers and duties of the task force and the requirements of the study; requiring the Division of Insurance of the Department of Business and Industry to provide administrative support for the task force; prohibiting certain insurers and certain self-insured governmental entities from requiring prior authorization for medical and dental care under certain circumstances; revising provisions governing the modification of contracts between insurers and providers of health care under certain circumstances; requiring the Director of the Department of Health and Human Services to prescribe a minimum reimbursement rate for care and

services provided pursuant to state plans which provide medical assistance; revising the requirement that certain insurers and health care facilities accept a standardized form to obtain information relating to the credentials of a provider of health care; requiring a report concerning the results of the study of electronic identification cards by the task force and any recommendations for legislation to be provided to the Legislature; and providing other matters properly relating thereto.

Senator Horsford moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 186.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 31.

Bill read third time.

Remarks by Senator Halseth.

Senator Halseth requested that her remarks be entered in the Journal.

Senate Bill No. 31, in its first reprint, requires the State Demographer to prepare 5-year and 20-year population projections each year based on the Governor's certified population estimates.

The bill authorizes the Department of Taxation to consider whether a person's failure to collect or pay any taxes or fees administered by the Department was "willful" with respect to determining if that person should be made jointly or severally liable for the payment of any taxes or fees.

The bill extends the Department of Taxation's current authority to waive penalties and interest in certain cases where good cause is shown by establishing that the authority applies to all taxes and fees administered by the Department.

Finally, the bill changes the period of time from three years to four years for which the Department of Taxation may take various actions with respect to the collection of delinquent taxes. This change provides consistency with the provisions governing the State Controller's Office with respect to taking these types of actions.

This act becomes effective on July 1, 2011

Roll call on Senate Bill No. 31:

YEAS—21.

NAYS—None.

Senate Bill No. 31 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32.

Bill read third time.

Remarks by Senator Leslie.

Senator Leslie requested that her remarks be entered in the Journal.

Senate Bill No. 32, in its first reprint, establishes that if the January 15 deadline for filing an appeal to the County Board of Equalization falls on a weekend or holiday, the appeal may be filed on the next business day.

Due to increased caseloads, the deadline for the State Board of Equalization to perform its duties is extended from October 1 to November 1.

The bill includes provisions to make the distinction between appeals filed by an individual verses broad-based appeals that may impact more than one county. Additionally, if an equalization action is anticipated to have a significant impact on property tax revenues the State Board is required to provide notice to any affected local governments by April 30 to allow the local government time to address any potential impact within their budgets.

Lastly, the bill removes the requirement for the State Board to publish notices of meetings in the newspaper for meetings held outside of Carson City and instead requires all meeting notices to be posted on the Department of Taxation's website in addition to all other required postings.

Roll call on Senate Bill No. 32:

YEAS—21.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 43.

Bill read third time.

Remarks by Senator Breeden.

Senator Breeden requested that her remarks be entered in the Journal.

Assembly Bill No. 43 changes provisions regarding audits of traffic citation records. The bill provides that a fiscal officer of a government agency to which a traffic enforcement agency is responsible must audit every record annually, rather than semiannually.

Roll call on Assembly Bill No. 43:

YEAS—21.

NAYS—None.

Assembly Bill No. 43 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bill No. 124.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to former Senator Eric Beyer, Addison Cram, Jody Cram, Anthony Dyer, Zachery Johnson and Ryan Mann.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Aspen Kieckhefer and Debbie West.

On request of Senator Settlemeyer, the privilege of the Floor of the Senate Chamber for this day was extended to David White, DDS.

Senator Horsford moved that the Senate adjourn until Monday, March 21, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:39 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate