

### THE THIRD DAY

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CARSON CITY (Wednesday), February 6, 2013

Senate called to order at 11:13 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

We give You thanks, O God, that this land was settled by men and women who came here, as our forefathers did; so that we might live in the light of freedom, and worship You according to the dictates of our consciences.

Help us never to forget that all the rights and privileges we enjoy have blood stains on them, that every good gift was bought and paid for in human sacrifice. This goodly heritage is ours by choice and by adoption. May we never lightly regard it! May we ever be grateful to those who in past years have labored and loved in order that we might have something to inherit.

This we pray in humbleness and thanksgiving.

AMEN.

Pledge of Allegiance to the Flag.

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

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Judiciary, to which was referred Senate Joint Resolution No. 14 of the 76th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

By Senators Settlemeyer, Gustavson, Hutchison, Cegavske, Goicoechea; Assemblymen Wheeler, Grady, Hansen and Kirner:

Senate Joint Resolution No. 3—Claiming sovereignty under the Tenth Amendment to the *United States Constitution*.

Senator Settlemeyer moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Denis, Roberson; Assemblymen Kirkpatrick and Hickey:

Senate Concurrent Resolution No. 3—Providing for the voluntary transfer of a portion of Legislators' salaries to the State General Fund.

WHEREAS, The State of Nevada has faced a staggering budgetary deficit as a result of the impact of a prolonged national recession on Nevada's economy, and the State continues to struggle as a result of the financial hardship experienced by its residents; and

WHEREAS, To meet its constitutional duty to balance the State's budget for the 2011-2013 biennium, the 76th Regular Session of the Nevada Legislature was required to make difficult decisions, including, without limitation, making significant cuts to the State's budget and

providing for a 2.5 percent reduction of the salaries of state employees and imposing furlough requirements on state employees which, when combined, amounted to a 4.8 percent reduction of those salaries; and

WHEREAS, Despite the financial burden of the salary reduction, public employees of this State have continued to perform their duties with diligence, dedication and professionalism; and

WHEREAS, The Nevada Constitution prohibits the increase or decrease of the salaries of state officers during their terms of office; and

WHEREAS, In recognition of the financial sacrifice of our State's public workforce during this biennium, the members of the 77th Regular Session of the Nevada Legislature pledge to voluntarily take a comparable 4.8 percent reduction of their salaries for the 77th Regular Session of the Nevada Legislature; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislature hereby directs the Accounting Unit of the Legislative Counsel Bureau to withhold 4.8 percent of each Legislator's salary for the 77th Regular Session of the Nevada Legislature; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall pay the total amount of such withholdings to the State Treasurer for credit to the unrestricted balance of the State General Fund; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall not reduce the salary of any Legislator who did not vote in favor of passage of this resolution and who notifies the Director of the Legislative Counsel Bureau that the Legislator does not wish to have the withholding made from his or her salary.

Senator Denis moved the adoption of the resolution.

Remarks by Senator Denis.

The State of Nevada has faced staggering budget challenges in recent years, and the Nevada Legislature has been required to make difficult decisions regarding budget cuts. One of these decisions included imposing furlough requirements and salary reductions on State employees. They continue to perform their duties with diligence, dedication and professionalism. In recognition of the financial sacrifice of our State's public workforce, this Resolution provides for the voluntary transfer of a portion of the Legislators' salaries to the State General Fund. I hope you all will support it.

Resolution adopted.

Senator Denis moved that all necessary rules be suspended, and that Senate Concurrent Resolution No. 3 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

By the Committee on Health and Human Services:

Senate Concurrent Resolution No. 4—Encouraging the Department of Health and Human Services and the Commissioner of Insurance to work with health care providers and insurers to develop a patient-centered medical home model of care and adopt payment models that allow for its implementation.

Senator Jones moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Senator Settlemeyer:

Senate Bill No. 89—AN ACT relating to public assistance; requiring persons who apply for public assistance to submit to a test to detect the presence of a controlled substance; requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to deny public assistance to a person whose test result indicates the presence of a controlled substance unless the person participates in a treatment program; providing exceptions for certain persons; providing for the confidentiality of test results; and providing other matters properly relating thereto.

Senator Settlemeyer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senator Settlemeyer; Assemblymen Grady and Ellison:

Senate Bill No. 90—AN ACT relating to confidential information; establishing a procedure for the submission to a local governmental entity of records which are claimed to be confidential and which are required by the entity as a condition of its consideration of an application for a license, permit or similar approval; providing for the determination of such a claim of confidentiality and the status and disposition of the records; authorizing an agency of a county to request a copy of certain confidential records from the Department of Business and Industry under certain circumstances; establishing the procedures by and conditions under which the Department must review and approve such a request; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 91—AN ACT relating to background investigations; revising provisions relating to criminal background investigations of certain employees and independent contractors of certain agencies, facilities and homes that provide medical or other care to persons; and providing other matters properly relating thereto.

Senator Jones moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 92—AN ACT relating to public health; requiring that infants be tested for critical congenital heart disease; providing an exception for written parental objection; and providing other matters properly relating thereto.

Senator Jones moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Senate Resolutions Nos. 1, 2 and 3.

REMARKS FROM THE FLOOR

Senator Roberson requested that the following remarks be entered in the Journal.

SENATOR ROBERSON:

I would like to make a few remarks to recognize this important date, February 6, 2013. One hundred and two years ago today, in the small Midwest town of Tampico, Illinois, our 40th President of the United States was born. Ronald Wilson Reagan was a political icon serving two terms as the Governor of California and two terms as President of the United States. He was elected during difficult times in our Country, both at home and abroad. As many of us believe, he was elected and served at just the right time in our Nation's history. Ronald Reagan's leadership skills, fueled by a strong sense of optimism, patriotism and can-do spirit, helped lead America to success in the Cold War and toward economic prosperity at home. Ronald Reagan was a friend of Nevada. That friendship is illustrated in a photograph I have in my office where he is pictured with our former Governor and United States Senator, the great Paul Laxalt. Mr. President, Happy Birthday. And in wishing you a happy birthday, we acknowledge your beautiful wife and our former First Lady, Nancy Reagan, and your dear friend, Senator Laxalt.

SENATOR SETTELMAYER:

I am happy to welcome David White, DDS, and Kim Vidani who are here today representing Digital Learning Day, which addresses how we can utilize technology in order to help people learn.

SENATOR BROWER:

I would like to welcome some guests who are also here for Digital Learning Day, the Executive Team from KNPB, our PBS affiliate in Northern Nevada, on which I have the pleasure to serve as a board member: President and CEO Kurt Mische, Vice President of Development and Marketing Tony Manfredi and Manager of Educational Services Joe Elcano.

SENATOR JONES:

I am proud to have Chris Roller from the American Heart Association here today for the introduction of S.B. 92 which seeks to require that infants be tested for critical congenital heart defects. I would also like to recognize that tomorrow begins Congenital Heart Defect Awareness Week.

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 Joe Elcano, Tony Manfredi and Kurt Mische.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Jill Hardy and David Truax.

On request of Senator Jones, the privilege of the Floor of the Senate Chamber for this day was extended to Chris Roller.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Abraham Camejo.

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

Senator Denis moved that the Senate adjourn until Thursday, February 7, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:27 a.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*