

THE FIFTEENTH DAY

CARSON CITY (Monday), February 18, 2013

Senate called to order at 11:32 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

On this Presidents' Day, I begin by quoting the two Presidents whose birthdays are this month. George Washington stated: "It is impossible to rightly govern a nation without God and the Bible." Abraham Lincoln remarked: "...my concern is not whether God is on our side; my greatest concern is to be on God's side, for God is always right."

Heavenly Father, we thank You for leaders and former leaders of our Nation. We pray today for these leaders of the State of Nevada. May we, too, acknowledge and depend upon Your leadership and counsel as we face the days and weeks ahead.

I pray in Your Name.

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 Commerce, Labor and Energy, to which was referred Senate Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Hammond, Gustavson, Hutchison, Hardy, Cegavske, Settlemeyer, Smith; Assemblymen Bobzien, Fiore, Grady, Hansen and Kirner:

Senate Joint Resolution No. 7—Proposing to amend the Nevada Constitution to preserve the right to hunt, fish and trap in this State.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 23, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 23. The right to hunt, fish and trap, including by the use of any traditional method, must be preserved for the residents of this State and managed through statutes and regulations which preserve that right. Hunting, fishing and trapping of wildlife by members of the public is the preferred means of managing wildlife in this State. The right set forth in this section does not create a right to trespass on private property, affect any right to divert, appropriate or use water, or establish any minimum amount of water in any body of water, diminish any other private right, or prohibit the enactment or enforcement of any statute or regulation requiring the suspension or revocation of a person's hunting, fishing or trapping license.

Senator Hammond moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By Senators Segerblom, Kihuen, Spearman, Woodhouse; Assemblymen Flores, Benitez-Thompson and Frierson:

Senate Joint Resolution No. 8—Proposing to amend the Nevada Constitution to provide for limited annual regular legislative sessions, to authorize the Legislature to hold regular or special sessions at places other than Carson City, to authorize a change in compensation to Legislators and to require the consent of the Senate for certain appointments to state offices in the Executive Department.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 4 of the Nevada Constitution be amended to read as follows:

~~Section 1.~~ Section 1. 1. The Legislative authority of this State shall be vested in a Senate and Assembly which shall be designated “The Legislature of the State of ~~Nevada~~ and the Nevada.”

2. *The regular and special sessions of such Legislature shall be held at the seat of government of the State ~~in~~, unless a majority of the members elected to each House of the Legislature deems it necessary and appropriate to hold all or any portion of a regular or special session at another place in this State as provided in this section.*

3. *During a regular or special session, by a concurrent resolution, a majority of the members elected to each House of the Legislature may designate another place in this State to hold all or any portion of the session, including, without limitation, changing the place designated in a petition filed with the Secretary of State pursuant to subsection 4.*

4. *During the interim between regular sessions, upon a petition signed by a majority of the members elected to each House of the Legislature who will serve at a regular or special session, the Legislature may designate another place in this State to hold all or any portion of the regular or special session. A petition must specify the session and the alternate place where all or any portion of the session will be held, and it must be transmitted to the Secretary of State not later than 5 calendar days before the commencement of the session. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, the Secretary of State shall notify all members of the Legislature and the Governor of the alternate place where all or any portion of the session will be held. By the same procedure and within the same time limit, a majority of the members elected to each House of the Legislature who will serve at the regular or special session may change any alternate place designated in the petition filed with the Secretary of State where all or any portion of the session will be held.*

5. *The Legislature may provide by law for supplemental procedures for designating or changing the alternate place where all or any portion of a regular or special session will be held pursuant to this section.*

And be it further

RESOLVED, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be ~~biennial~~ annual and shall commence on the 1st Monday of February ~~following the election of members of the Assembly,~~ of each year, unless the Governor of the State or the members of the Legislature shall, in the interim, convene the Legislature by proclamation or petition.

2. The Legislature shall adjourn sine die each regular session held in an odd-numbered year not later than midnight Pacific time at the end of the 90th legislative day or the 120th consecutive calendar day of that session, whichever occurs first, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of

the 90th legislative day or the 120th consecutive calendar day of that session, whichever occurs first, is void, unless the legislative action is conducted during a special session.

3. *The Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 30th legislative day or the 45th consecutive calendar day of that session, whichever occurs first, is void, unless the legislative action is conducted during a special session.*

4. The Governor shall submit to the Legislature:

(a) *The proposed executive budget ~~(to the Legislature)~~ not later than 14 calendar days before the commencement of each regular session ~~4.1~~ held in an odd-numbered year.*

(b) *Any proposed appropriations or proposed revisions to the executive budget not later than 14 calendar days before the commencement of each regular session held in an even-numbered year.*

5. For the purposes of this section ~~[-“midnight”]~~:

(a) *“Legislative day” means any calendar day on which either House of the Legislature is in session or any legislative committee holds a meeting during a session.*

(b) *“Midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar or legislative day of the session, whichever occurs first, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~(seat of government of this State as designated by)~~ place where the Legislature is holding the session on the final calendar or legislative day, whichever occurs first, pursuant to Section 1 of this Article . ~~(15 of this Constitution.)~~ The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.*

And be it further

RESOLVED, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

6. For the purposes of this section, “midnight Pacific time” must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~seat of government of this State as designated by~~ *place where the Legislature is holding the session on the final calendar day pursuant to Section 1 of this Article . ~~15 of this Constitution.~~* The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 15 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 15. *1. The doors of each House shall be kept open during its session, and neither shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which they may be holding their sessions ~~+~~ pursuant to Section 1 of this Article.*

2. The meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a *monthly compensation of not less than \$2,000 for each month during their term of office, prorated for any partial month, and a per diem allowance for each regular or special session, to be fixed by law and paid out of the public treasury ~~+~~ for not to exceed 60 days during any regular session of the Legislature and not to exceed 20 days during any special session.* *at regular intervals determined by law, but no increase of such compensation shall take effect during the term for which the members of either ~~house~~ House shall have been elected; Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any ~~general~~ regular or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers , receive an additional allowance of two dollars per diem.*

And be it further

RESOLVED, That a new section, designated Section 8A, be added to Article 5 of the Nevada Constitution to read as follows:

Sec. 8A. *1. Except as otherwise provided in this section, any appointment to a state office in the Executive Department that is made by the Governor or another state officer in the Executive Department who is authorized by law to make the appointment is temporary until the Senate consents to the appointment.*

2. *The Legislature may:*

(a) *Provide by law for procedures to carry out the provisions of this section.*

(b) *Exempt by law any state office in the Executive Department from the requirements of this section.*

3. *This section does not apply to filling vacancies in elective state offices pursuant to Section 8 of this Article or Section 22 of Article 17 of this Constitution.*

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 9. *1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may, on extraordinary occasions, convene the Legislature by Proclamation and shall state to both ~~houses~~ Houses, when organized, the business for which they have been specially convened.*

2. *At a special session convened pursuant to this section, the Legislature shall not introduce,*

consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session.

3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the ~~seat of government of this State as designated by~~ place where the Legislature is holding the session on the final calendar day pursuant to Section 1 of Article ~~11~~ 4 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 6 of Article 11 of the Nevada Constitution be amended to read as follows:

~~Section~~ Sec. 6. 1. In addition to other means provided for the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

2. During a regular session of the Legislature ~~in~~ in any odd-numbered year, before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session in an odd-numbered year in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. As used in this section, "biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

And be it further

RESOLVED, That Section 10 of Article 15 of the Nevada Constitution be amended to read as follows:

~~Sec.~~ Sec. 10. All officers whose election or appointment is not otherwise provided for ~~in this Constitution~~ shall be chosen or appointed as may be prescribed by law ~~in~~, *subject to Section 8A of Article 5 of this Constitution.*

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter. ~~biennially.~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~January 1 of the year preceding the year in which a regular session of the Legislature is held.~~ *1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.* After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to ~~any~~ *the commencement of the regular session of the Legislature* ~~to which the petition will be transmitted.~~ The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State

to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

And be it further

RESOLVED, That the members of the Legislature must receive the monthly compensation set forth in the amendments made by this resolution to Section 33 of Article 4 of the Nevada Constitution commencing with the first full month following the date on which such amendments become a part of the Nevada Constitution upon completion of the canvass of votes by the Nevada Supreme Court pursuant to Section 4 of Article 5 of the Nevada Constitution.

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

Motion carried.

By Senators Smith, Atkinson, Brower, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Jones, Kieckhefer, Kihuen, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Spearman, Woodhouse; Assemblymen Grady, Aizley, Elliot Anderson, Paul Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Cohen, Daly, Diaz, Dondero Loop, Duncan, Eisen, Ellison, Fiore, Flores, Frierson, Hambrick, Hansen, Hardy, Healey, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Livermore, Martin, Munford, Neal, Ohrenschall, Oscarson, Pierce, Spiegel, Sprinkle, Stewart, Swank, Wheeler and Woodbury:

Senate Concurrent Resolution No. 5—Commemorating the 150th anniversary of the State of Nevada.

WHEREAS, People have lived, worked and played for thousands of years in the place that we now call Nevada; and

WHEREAS, The experiences of those people have shaped the long, interesting and complex history of this unique and rugged place; and

WHEREAS, Many of the people who lived here in the mid-19th century sought formal recognition as a state; and

WHEREAS, A majority of Nevada voters approved a proposed state constitution in September of 1864; and

WHEREAS, President Abraham Lincoln accepted that constitution and welcomed the State of Nevada into the Union on October 31, 1864; and

WHEREAS, The diverse and varied people inhabiting the new State of Nevada were joined over the subsequent decades by many thousands more who agreed that “Home Means Nevada”; and

WHEREAS, Nevadans of the 21st century are intrigued by the multifaceted history of this place and will benefit from reflection and reminiscence as they look forward to what will no doubt be an exciting and rewarding future; and

WHEREAS, The State of Nevada will celebrate its 150th anniversary of statehood on October 31, 2014; and

WHEREAS, The Sesquicentennial Year will begin on Nevada Day, 2013, and conclude on Nevada Day, 2014; and

WHEREAS, The Nevada Sesquicentennial Commission will oversee a number of exciting events and enduring legacy projects during the Sesquicentennial Year that will commemorate the broad sweep of Nevada’s rich past and celebrate its future; and

WHEREAS, Community-based and historical organizations throughout the State will also generate numerous opportunities for all Nevadans to explore the many aspects of their shared heritage; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 77th Session of the Nevada Legislature do hereby commemorate the 150th anniversary of Nevada’s statehood; and be it further

RESOLVED, That the members of the 77th Session of the Nevada Legislature do hereby urge the residents of Nevada to participate in the many statewide and community-based events and projects planned for the Sesquicentennial Year; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Nevada Sesquicentennial Commission for inclusion on the official sesquicentennial website where it will be available to be seen by all Nevadans.

Senator Smith moved the adoption of the resolution.

Remarks by Senators Smith and Denis.

SENATOR SMITH:

Thank you, Mr. President.

As this resolution states, on October 31, 2014, Nevada will celebrate its sesquicentennial—150 years as a State. We’ve certainly come a long way since our rather humble beginnings as the 36th State admitted to the Union.

A brief look back in time might be helpful as we celebrate Nevada’s past 150 years. It is not true, an absolute myth in fact, that Nevada was made a state in 1864 because our gold and silver were needed by the Union to finance the Civil War. Nevada’s mineral riches were already locked up by the Union, particularly when and upon the creation of Nevada as a Territory on March 2, 1861. Nevada was a federal Territory and a part of the Union for more than three years before we became a state. The real reasons for Nevada’s statehood were political and not economic; we really lacked the specified population to become a state. However, our residents were excited about the prospect of statehood and for very different reasons. President Lincoln was also. For many of us who have recently seen the movie *Lincoln*, we certainly know this. With key Union victories on the battlefields in 1863 and the first part of 1864, it became obvious to most in the North that the Civil War was winding down. President Lincoln recognized that an additional state might be needed for his re-election in what was shaping up to be a tough three-way race for the White House. Statehood for Nevada would also provide another state for ratification of the proposed 13th Amendment to the U.S. Constitution to abolish slavery. Further, Nevada was expected to support Lincoln’s moderate, rather than radical, plans for reconstructing the South.

Following statehood, Nevada rode a roller coaster ranging from prosperity to hard times, cycles of boom and bust—which many of us in this building well know—all based on the fortunes of mining. However, even during the good times, Nevada’s population remained small. It was under 100,000 people until the late 1930s. For over 94 years following our statehood, Nevada was the smallest state in the Nation based on our population. It was not until Alaska’s admission as the 49th State on January 3, 1959, that Nevada became the second smallest state in the Union. However, all of that was about to change for Nevada, and it certainly has. From 1960 through 2010, Nevada was the fastest growing state in our Nation. We were to grow from just over 285,000 in 1960 to 2.8 million in 2010—an increase of more than 800 percent. Today, we are ranked 35th among the states in population, and currently have four members in our U.S. House of Representatives. This birthday celebration gives us many reasons to be optimistic about our future. We have turned the corner on the recovery from the Great Recession: gaming revenue is up, retail sales are up, the value of our homes is increasing in small bits. Visitation to the State continues to rise, and we certainly welcome that. Our traditional history of mining has remained strong in recent years, and construction, albeit small, is on the rebound. Believe it or not, Nevada’s population actually grew over the past two years with some 50,000 people being added. This is a reflection of our continued appeal as a state in which to move a business or a household.

As we all know, or we wouldn’t be here, Nevada is a special and unique state. It is the place we all call home. Our first 150 years must be remembered, reflected upon and celebrated as we move forward over the next 50 years. I ask for your support of this important resolution because it does mean “home means Nevada” to us.

SENATOR DENIS:

Thank you, Mr. President.

Today, I am proud to celebrate the 150th anniversary of our great State. The foundation of the Nevada that we live in today was forged by the hard work of those who came before us—from the miners of Virginia City to the entrepreneurs of the Las Vegas Strip. Now our State embodies the spirit of America—an increasingly diverse state united by the desire to make life better for our children.

My parents moved here to create a better life for my family. I stand before you today as a testament to the success of the American Dream. We serve here in this Body, entrusted by the people, to tackle the big issues our State faces. With this building filled with dedicated public servants, we will meet those challenges head on.

In 1864, this State was founded with a vision. Now, 150 years later, we continue to build upon the work of the founders. This Legislative Session provides the opportunity to look back at

our founding and see how far we have come and decide what we want our State to look like in the future.

I am proud to call Nevada home, and I intend to work together, with each of my colleagues, to help us build a better Nevada. I urge your support of this Resolution.

Resolution adopted.

Senator Smith moved that all necessary rules be suspended, and that Senate Concurrent Resolution No. 5 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

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

Senate in recess at 11:51 a.m.

SENATE IN SESSION

At 11:55 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that the action whereby Senate Joint Resolution No. 7 was referred to the Committee on Natural Resources be rescinded.

Motion carried.

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

Motion carried.

Senator Denis moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: AHORA LATINO-JOURNAL: Mario Delarosa; ASSOCIATED PRESS: Cathleen Allison, Matt Woolbright; COX COMMUNICATIONS: Steve Schorr; ENTRAVISION COMMUNICATION: Laura Calzada; GREENSPUN MEDIA: Steven Marcus; KOLO-TV: Samantha Boatman, Wade Barnett, Joe Harrington, Ray Kinney, Rebecca Kitchen; KRNVTV NEWS 4: Ryan Coleman, Lawrence Vosper; KRXXI-FOX 11 NEWS: PJ Connolly, Jaime Hayden, Ryan Kern, Matt Rosenberg; KSNV-TV News: Reed Cowan, Erik Ho; LAS VEGAS REVIEW-JOURNAL: Steve Sebelius, Edison Vogel; LAS VEGAS SUN: Anjeanette Damon, Andrew Doughman, Matt Hufman, Sam Morris, Steve Marcus, David Schwartz; NEVADA MEDIA ALLIANCE: Jeri Chadwell, Paul George, Stephanie Glantz, Robert Jenkins Jr., Michael Marcotte, Molly Moser, Shelby Olson, Alex Pompliano, Riley Snyder, Lindsay Tosta, Natasha Vitale, Abbie Walker; RENO GAZETTE-JOURNAL: Andy Barron, Guy Clifton, Tim Dunn, Ray Hager, Tom Smedes; RENO NEWS & REVIEW: John Murphy; STEALTH

REPORTER, THE: Todd Bailey; TASMAN PACIFIC MEDIA GROUP: Peter Hutchinson; THERENOGAYPAGE: Paco Poli; WE THE PEOPLE/OUR STORY INC.: Shayne Del Cohen; WENDOVER TIMES, THE: Deeanna Croasmun.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Atkinson:

Senate Bill No. 122—AN ACT relating to housing; revising the number of commissioners of a regional authority for housing in certain counties; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Atkinson and Assemblyman Bobzien:

Senate Bill No. 123—AN ACT relating to energy; revising provisions governing certain energy-related tax incentives; revising provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising certain provisions relating to the portfolio standard for renewable energy; revising certain provisions relating to applications for the permitting of utility facilities; requiring the Commission to open an investigatory docket to study, examine and review the feasibility and advisability of establishing a feed-in tariff program for renewable energy systems in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Goicoechea and Assemblyman Ellison:

Senate Bill No. 124—AN ACT relating to local government employment; providing that fact finders, hearing officers and arbitrators in certain employment-related matters must be attorneys in good standing admitted to practice law in the courts of this State; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kihuen and Assemblyman Munford:

Senate Bill No. 125—AN ACT relating to interscholastic events; revising provisions relating to the rules and regulations of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Atkinson:

Senate Bill No. 126—AN ACT relating to the practice of pharmacy; establishing provisions governing the dispensing of a therapeutically equivalent drug in place of a drug that is prescribed by a practitioner; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks:

Senate Bill No. 127—AN ACT relating to employment practices; prohibiting employers from conditioning employment on a consumer credit report or other credit information; providing remedies and administrative penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks and Assemblyman Ohrenschall (by request):

Senate Bill No. 128—AN ACT relating to real estate; exempting certain persons from the licensing requirements for broker-dealers; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Cegavske and Assemblywoman Fiore:

Senate Bill No. 129—AN ACT relating to common-interest communities; revising provisions relating to the information provided in a resale transaction involving a unit in a common-interest community; revising provisions governing the payment of unpaid obligations owed by the selling unit's owner at the time of a resale transaction; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Cegavske and Assemblywoman Fiore:

Senate Bill No. 130—AN ACT relating to common-interest communities; revising provisions governing the imposition of a fine for a violation of the governing documents of an association of a common-interest community; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske and Assemblywoman Kirkpatrick:

Senate Bill No. 131—AN ACT relating to personal representatives; authorizing a personal representative to take certain actions with respect to a decedent's account on certain Internet websites; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hammond, Hutchison, Hardy, Cegavske, Settelmeyer; Assemblymen Fiore, Aizley, Paul Anderson, Bobzien, Grady, Hansen and Kirner:

Senate Bill No. 132—AN ACT relating to wildlife; revising the period of validity of a fishing license, hunting license or combined hunting and fishing license issued by the Department of Wildlife; and providing other matters properly relating thereto.

Senator Hammond moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Goicoechea, Gustavson; Assemblymen Grady and Ellison (by request):

Senate Bill No. 133—AN ACT relating to water; requiring the State Engineer to allow a county to participate in the development and implementation of a plan relating to the appropriation of water for beneficial use under certain circumstances; requiring the State Engineer to consider any comment, analysis or other information submitted by a participating county before approving the plan and during the period in which the plan, if approved, is carried out; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Goicoechea, Gustavson, Cegavske; Assemblymen Ellison and Grady:

Senate Bill No. 134—AN ACT relating to animals; defining the term "water" to include snow for the purpose of watering livestock; setting forth the meaning of "point of diversion" or "place of diversion" for the use of water for that purpose; requiring the Department of Wildlife to maintain certain fences; requiring the Department to submit an application to the State

Engineer before placing a guzzler; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Atkinson, Spearman, Ford; Assemblymen Frierson, Neal, Flores, Horne and Kirkpatrick:

Senate Bill No. 135—AN ACT relating to redevelopment of communities; revising requirements for the submission of an employment plan; requiring a redevelopment agency to withhold a portion of any incentive provided to a developer unless the developer satisfies certain conditions; requiring the reporting of certain information relating to the redevelopment project by certain developers; extending the duration of certain redevelopment plans; requiring an employment plan to include information relating to preferences for hiring persons from the redevelopment area; authorizing a redevelopment agency to loan money to finance certain improvements under certain circumstances; requiring certain redevelopment agencies to set aside certain revenue from property taxes for additional purposes; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks (by request):

Senate Bill No. 136—AN ACT relating to crimes; revising provisions relating to justifiable homicide by a public officer; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Cegavske, Goicoechea, Settlemeyer; Assemblymen Fiore, Oscarson, Ellison, Hambrick, Hansen, Livermore and Wheeler:

Senate Bill No. 137—AN ACT relating to concealed firearms; removing the prohibition against carrying a concealed firearm; repealing certain provisions relating to permits to carry concealed firearms; deleting certain provisions relating to the registration of firearms capable of being concealed; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hutchison, Jones, Hammond, Ford, Settlemeyer; Assemblymen Fiore, Paul Anderson, Duncan and Stewart:

Senate Bill No. 138—AN ACT relating to business entities; authorizing an owner of a professional entity or a member of a professional association to transfer his or her interest in the professional entity or professional association to an irrevocable trust or other legal entity; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Spearman, Parks, Manendo, Ford, Kihuen, Atkinson, Denis, Goicoechea, Hammond, Hutchison, Jones, Kieckhefer, Roberson, Segerblom, Smith, Woodhouse; Assemblymen Bobzien, Fiore, Eisen, Healey, Elliot Anderson, Paul Anderson, Cohen, Daly, Flores, Frierson, Hambrick, Hogan, Home, Martin, Munford, Neal, Pierce, Spiegel, Sprinkle and Swank:

Senate Bill No. 139—AN ACT relating to crimes; providing an additional penalty for certain crimes motivated by the victim's gender identity or expression; providing certain civil liability for a person who commits certain crimes motivated by the victim's gender identity or expression; revising provisions concerning the reporting of certain crimes; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Segerblom:

Senate Bill No. 140—AN ACT relating to civil practice; authorizing the attachment of a lien to client files and other property for attorney's fees under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Denis, Smith, Jones, Segerblom, Settlemeyer, Ford, Kihuen, Manendo and Roberson:

Senate Bill No. 141—AN ACT relating to records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to the Nevada Court Appointed Special Advocates Association and any of its local court appointed special advocates programs under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Jones, Atkinson, Segerblom, Hammond, Spearman, Denis, Ford, Hardy, Hutchison, Kieckhefer, Kihuen, Manendo, Parks, Settlemeyer,

Woodhouse; Assemblymen Elliot Anderson, Bobzien, Aizley, Daly, Ellison, Fiore, Hardy, Kirkpatrick and Ohrenschall:

Senate Bill No. 142—AN ACT relating to local governments; revising provisions governing contracting by school districts; revising provisions governing performance contracts for operating cost-savings measures; requiring the Office of Energy to provide local governments with information, educational resources and support relating to such performance contracts; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Woodhouse, Manendo, Segerblom, Spearman, Parks, Ford, Jones and Kihuen:

Senate Bill No. 143—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to include on certain examinations at least one question testing an applicant's knowledge of a certain subject; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Segerblom:

Senate Bill No. 144—AN ACT relating to peace officers; revising provisions governing the investigation of peace officers; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hardy, Brower, Settlemeyer; Assemblymen Hardy and Hickey:

Senate Bill No. 145—AN ACT relating to public-private partnerships; authorizing a public agency to enter into certain public-private partnerships; setting forth requirements for such public-private partnerships; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 146—AN ACT relating to public works; requiring each school district, each charter school and the Nevada System of Higher Education to prepare a report of its activities concerning certain public works; specifying that certain provisions governing the payment of prevailing wages do not apply to a school district, a charter school or the

Nevada System of Higher Education; repealing provisions governing the payment of those wages by the Nevada System of Higher Education; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Atkinson, Cegavske, Goicoechea, Hammond, Parks; Assemblymen Fiore, Aizley, Duncan, Ellison, Hambrick, Hansen, Livermore, Munford, Stewart and Wheeler:

Senate Bill No. 147—AN ACT relating to air pollution; revising provisions governing the frequency of required inspections of the emissions of certain motor vehicles; increasing the fees charged by the Department of Motor Vehicles for certain forms; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Parks:

Senate Bill No. 148—AN ACT relating to air pollution; revising provisions governing the Pollution Control Account; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 149—AN ACT relating to public health; requiring the Health Division of the Department of Health and Human Services to extend the period between periodic inspections under certain circumstances; requiring the Health Division to reduce certain fees for certain facilities and offices regulated by the Health Division; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Cegavske, Hammond; Assemblymen Fiore, Hansen, Duncan, Ellison, Hambrick, Munford and Wheeler:

Senate Bill No. 150—AN ACT relating to motorcycles; revising provisions governing the wearing of protective headgear when operating motorcycles under certain circumstances; requiring that all applicants for a motorcycle driver's license complete an approved motorcycle safety course; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Cegavske, Goicoechea, Hammond, Settlemeyer; Assemblymen Fiore, Duncan and Ellison:

Senate Bill No. 151—AN ACT relating to taxation; revising the provisions governing the calculation of governmental services taxes due annually for used vehicles; and providing other matters properly relating thereto.

Senator Gustavson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senator Denis:

Senate Bill No. 152—AN ACT relating to taxation; making various changes governing the administration of sales and use taxes and related taxes; providing that the right of a retailer to claim certain deductions or refunds is not affected by the assignment of a debt to certain affiliated entities, and providing for the retroactive application of that provision under certain circumstances; requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Senator Denis moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senator Parks (by request):

Senate Bill No. 153—AN ACT relating to occupational therapy; providing that occupational therapists are providers of health care for certain purposes; revising the qualifications for a license as an occupational therapist or occupational therapy assistant; revising provisions governing the examinations required for licensing as an occupational therapist or occupational therapy assistant; revising the circumstances in which the Board of Occupational Therapy may issue a license as an occupational therapist or occupational therapy assistant or a temporary license without examination; revising provisions governing the period for which a license is valid; removing the requirement that a licensed occupational therapist directly supervise certain persons; requiring the Board to adopt regulations; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Manendo:

Senate Bill No. 154—AN ACT relating to manufactured home parks; revising the provisions requiring certain maintenance to be performed by the

landlord 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 Senators Gustavson, Hardy, Cegavske, Goicoechea; Assemblymen Fiore, Ellison, Hogan, Livermore, Oscarson and Stewart:

Senate Bill No. 155—AN ACT relating to mental health; revising the scope of the practice of clinical professional counseling; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Segerblom, Parks, Kihuen; Assemblymen Spiegel, Aizley and Ohrenschall:

Senate Bill No. 156—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for acupuncture treatments in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hutchison, Woodhouse, Brower, Cegavske, Settlemeyer; Assemblymen Fiore, Paul Anderson, Duncan and Stewart:

Senate Bill No. 157—AN ACT relating to education; requiring the superintendent of schools of each school district to establish criteria for determining certain budgetary priorities; requiring the board of trustees of each school district to use the criteria in preparing the budget of the school district; requiring that the expenditures of each school district be prioritized to ensure that the budgetary priorities are carried out; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Settlemeyer, Gustavson, Hardy, Manendo; Assemblymen Paul Anderson, Hambrick, Hardy, Hogan and Kirner:

Senate Bill No. 158—AN ACT relating to motor carriers; providing that certain agreements entered into in connection with a contract concerning motor carrier transportation are against public policy, void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Jones, Kihuen, Hutchison, Smith, Parks, Denis, Ford, Hammond, Manendo, Segerblom, Spearman, Woodhouse; Assemblymen Oscarson, Bobzien, Swank, Elliot Anderson, Dondero Loop, Flores, Healey, Martin, Ohrenschall and Pierce:

Senate Bill No. 159—AN ACT relating to land use planning; restricting certain powers of local governments with regard to planning, subdivision regulation and zoning of lands located in national conservation areas, national recreation areas and adjacent lands; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Segerblom:

Senate Bill No. 160—AN ACT relating to real property; revising provisions governing the award of a deficiency judgment after the foreclosure of a mortgage or deed of trust on certain residential property; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Roberson, Kieckhefer and Hardy:

Senate Bill No. 161—AN ACT relating to constructional defects; revising the definition of “constructional defect”; providing that a claimant may not recover attorney’s fees as damages; requiring an attorney to obtain an affidavit from a claimant and file the affidavit with the court under certain circumstances; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hardy, Brower, Segerblom, Settelmeyer and Assemblyman Eisen:

Senate Bill No. 162—AN ACT relating to professions; revising provisions governing certain reporting requirements for the Board of Medical Examiners; prohibiting the Board of Medical Examiners from issuing a license by endorsement to practice as an administrative physician except for certain limited purposes; revising provisions governing disciplinary action or the denial of licensure by the Board of Medical Examiners or the State Board

of Osteopathic Medicine; revising provisions governing certain examinations to determine the competency of a physician, osteopathic physician or physician assistant; revising provisions governing the summary suspension of a license by the Board of Medical Examiners or the State Board of Osteopathic Medicine; revising certain procedural provisions governing the filing of a formal complaint against a licensee by the Board of Medical Examiners or the State Board of Osteopathic Medicine; authorizing the Board of Medical Examiners and the State Board of Osteopathic Medicine to make service of process on a licensee electronically under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cegavske, Hammond, Hutchison, Woodhouse, Denis, Ford, Goicoechea, Gustavson, Hardy, Jones, Kihuen, Manendo, Roberson, Segerblom, Settlemeyer; Assemblymen Hardy and Grady:

Senate Bill No. 163—AN ACT relating to education; requiring elementary and secondary educational institutions to provide pupils with instruction in civics as part of the required instruction in American government; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks, Spearman, Woodhouse, Kihuen, Segerblom, Atkinson, Denis, Ford, Jones, Manendo, Roberson, Settlemeyer, Smith; Assemblymen Healey, Elliot Anderson, Bobzien, Spiegel, Aizley, Bustamante Adams and Horne:

Senate Bill No. 164—AN ACT relating to education; requiring the State Board of Education and the board of trustees of each school district, in their respective annual reports of accountability, to provide information about the number of reported instances of bullying, cyber-bullying, harassment or intimidation; requiring each public school to hold an annual assembly on bullying; revising provisions governing training in the prevention, identification and reporting of bullying and similar conduct; requiring training for principals in preventing and responding to violence and suicide associated with bullying; requiring notice to the parent or guardian of any pupil allegedly involved in a reported incident of bullying or similar conduct; requiring that certain annual reports submitted to the Attorney General also be provided to the Governor and the Legislature; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Ford, Smith, Denis, Hutchison, Roberson, Atkinson, Jones, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse; Assemblymen Aizley, Frierson, Horne, Fiore, Kirkpatrick and Spiegel:

Senate Bill No. 165—AN ACT relating to taxation; authorizing the Office of Economic Development to approve, and the Nevada Tax Commission to issue, a transferable tax credit for a producer that produces a qualified film or other production in this State under certain circumstances; providing for the calculation of the transferable tax credit; requiring a producer that receives a transferable tax credit to consent to an audit by the Department of Taxation and to the disclosure of the audit report to the Office and to the public with certain limited exceptions; requiring the Office to provide notice of certain hearings; requiring a producer to return any portion of a transferable tax credit to which he or she is not entitled; requiring the Office to establish the Advisory Committee on Film and Television Industry Transferable Tax Credits; and providing other matters properly relating thereto.

Senator Ford moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 23 establishes “Nevada Tribes Legislative Day” on the second Tuesday of February during every regular Session of the Legislature. The Indian Commission is required to invite the Legislature, Governor, and other elected officials to recognize and pay tribute to the history, culture and contributions of Native Americans to the prosperity and cultural diversity of Nevada and the United States. The Indian Commission will also schedule activities and discussions on this day between State and tribal leaders on issues of common interest.

Roll call on Senate Bill No. 23.

YEAS—21

NAYS—None.

Senate Bill No. 23 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

I would like to present Senate Concurrent Resolution No. 5 to the Nevada Sesquicentennial Planning Committee. This birthday celebration has been well thought out over the past several months, and I would like to thank them for all of their hard work, along with former Senator Mike McGuinness, Ted Olivas, Bud Hicks and Lori Nelson. They have put a great deal of work into planning a wonderful year of celebration for the State of Nevada and its citizens. I am honored to present the Resolution.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Bob Brown and his wife Melinda Brown, Peter Martin and Claudia Vecchio.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Alvin J. "Bud" Hicks.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Lori Nelson and Ted Olivas.

On request of Senator Segerblom, the privilege of the Floor of the Senate Chamber for this day was extended to Tomas Sanchez.

On request of Senator Settlemeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Clay Sapp. Ms. Pollan, Senator Settlemeyer's former FFA teacher, was also present in the Senate Gallery.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended Neena Laxalt.

Senator Denis moved that the Senate adjourn until Tuesday, February 19, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:29 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate