

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 21, 2013

Senate called to order at 11:33 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

It is Thursday, and it is United Way Day here at the Legislature. United Way is a great name! About 3,000 years ago, King David wrote these words in Psalm 133: "Behold, how good and how pleasant it is for brothers and sisters to dwell together in unity."

Yes, he wrote of a united way of living. So, Father, that is what I pray today. I pray for unity, harmony, care and compassion to trump any partisan politics or personal selfishness that might reign within these walls.

I pray for this united way in the Name of the One who prayed that we all be.

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.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Manendo, Hardy, Woodhouse, Kihuen, Atkinson, Brower, Cegavske, Denis, Ford, Goicoechea, Gustavson, Hammond, Hutchison, Jones, Kieckhefer, Parks, Roberson, Segerblom, Settlemeyer, Smith and Spearman:

Senate Bill No. 178—AN ACT relating to legislative measures; authorizing the Nevada Silver Haired Legislative Forum to request the drafting of not more than one legislative measure for each regular session of the Legislature; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Manendo (by request):

Senate Bill No. 179—AN ACT relating to public safety; enhancing the penalty for certain traffic violations which occur in school zones or school crossing zones; revising provisions relating to pedestrians and crosswalks; authorizing the imposition by a court of mandatory attendance in a pedestrian, bicycle and traffic safety course for the driver of a vehicle found guilty of certain traffic violations; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Segerblom, Spearman, Parks, Atkinson; Assemblymen Aizley, Healey, Ohrenschall, Elliot Anderson, Hogan, Neal, Pierce and Swank:

Senate Bill No. 180—AN ACT relating to employment practices; requiring a court to award certain relief to an employee injured by certain unlawful employment practices under 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 Senator Kieckhefer and Assemblyman Bobzien:

Senate Bill No. 181—AN ACT relating to fishing; requiring the Department of Wildlife to issue special fishing permits to certain social groups for use for the benefit of adults with disabilities; deleting the limit on the maximum number of persons that may fish under a special fishing permit; authorizing the Director of the Department or his or her designee to require the Department to expedite the issuance of a special fishing permit in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time and ordered to third reading.

Senate Bill No. 32.

Bill read second time and ordered to third reading.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 15.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 15 authorizes certain public utilities to request a waiver from the requirement to submit a resource plan to the Public Utilities Commission of Nevada (PUCN). It takes substantial resources for a utility to prepare a resource plan and can be a burden for smaller utilities. This bill will help approximately 25 smaller utilities in the State, representing approximately 5,000 people. The bill would allow those utilities to have a waiver, assuming they don't intend to change things significantly in the three-year period covered by a resource plan. It will save them money, and everyone from the PUCN to those involved, is supporting this bill.

Roll call on Senate Bill No. 15:

YEAS—21

NAYS—None

Senate Bill No. 15 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to Assembly.

Senator Denis moved that the Senate recess subject to the call of the Chair. Motion carried.

Senate in recess at 11:47 a.m.

SENATE IN SESSION

At 12:43 p.m.

President Krolicki presiding.

All present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 21, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 114.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 114.

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

Motion carried.

Senator Segerblom moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:44 p.m.

SENATE IN SESSION

At 12:48 p.m.

President Krolicki presiding.

All present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 114, 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

Senator Smith moved that all necessary rules be suspended, and that Assembly Bill No. 114, just reported out of Committee, be declared an emergency measure under the Constitution and placed on third reading for final passage.

Remarks by Senator Smith.

Thank you, Mr. President. This online gaming bill was just passed as an emergency measure from the Assembly. The bill is critical to the economy of this State; therefore, it is imperative that we enact this bill today.

Motion carried unanimously.

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

Senate in recess at 12:50 p.m.

SENATE IN SESSION

At 12:54 p.m.

President Krolicki presiding.

All present.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Smith, Woodhouse, Denis, Jones, Ford, Atkinson, Kihuen, Manendo, Parks, Segerblom, Spearman; Assemblymen Kirkpatrick, Dondero Loop, Bobzien, Horne, Sprinkle, Elliot Anderson, Benitez-Thompson, Daly, Diaz, Eisen, Healey and Spiegel:

Senate Bill No. 182—AN ACT relating to education; revising provisions governing the count of pupils for the purpose of calculating basic support; requiring the board of trustees of each school district to establish, equip and maintain a full-day kindergarten in each elementary school or school attendance area in the district; revising provisions governing the age at which a child is required to be enrolled in and attend school; requiring a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

Remarks by Senators Segerblom, Denis, Settlemeyer and Roberson.

SENATOR SEGERBLOM:

Assembly Bill No. 114 directs the Nevada Gaming Commission to adopt regulations authorizing the Governor to enter into an agreement with another state to enable patrons in Nevada and the other state to participate in interactive gaming offered by licensees in those states and to take all necessary actions to implement such an agreement. The regulations must

address any potential arrangements to share revenue between Nevada and another state and must be adopted in accordance with the Nevada Administrative Procedure Act.

This measure also provides that the Commission may not find certain persons suitable for an interactive gaming license within five years after the effective date. This prohibition applies to persons who knowingly and intentionally operated interactive gaming involving patrons in the United States after December 31, 2006, unless they were continuously licensed by a state or the federal government. It also applies to a person who uses a tangible or intangible asset which was knowingly and intentionally used in interactive gaming involving patrons in the United States after December 31, 2006. The bill allows the Commission to waive this provision after investigation and a hearing if it finds that the person did not violate any state or federal law, and allows a person applying for a waiver to seek judicial review of the Commission's determination.

Assembly Bill No. 114 also authorizes the Commission, by regulation, to prospectively increase or decrease the interactive gaming license fee and renewal fee for reasons set forth in the bill.

To the Senator from District 8, this bill also protects minors, prohibiting them from engaging in interactive gaming.

SENATOR DENIS:

Thank you, Mr. President. Nevada has always been a leader in gaming regulations, technology and other innovations. As we move into a digital age, online gaming will become key to the preservation of this industry. Passing this legislation today will move our State one step closer to being a leader in this new field of gaming technology. We should all be proud that we worked together today with the Majority Leader of the Assembly, the Governor, the Speaker of the Assembly, and the Minority Leaders in both Houses, as well as all of our colleagues, to pass legislation that will protect our largest industry. Gaming is vital to the health of this State, and our acknowledgement of that, along with our ability to quickly pass important legislation, should show the Nation that Nevada will continue to be a leader in gaming. I urge all members to vote yes on this legislation.

SENATOR SETTELMAYER:

Thank you, Mr. President. I rise in support of this bill. I appreciate the concept of this bill and that we will maintain our status as the first in the Nation for this important industry. We are protecting the gamers themselves; I have many friends who enjoy online gaming and they worry about sending their money abroad where the protection of that money is uncertain. I also appreciate the sponsor of the bill, who is here today, for coming forward and allowing everyone to sign on to this bill so we can work in a bipartisan nature.

Lastly, I appreciate the spirit of the bill, asserting Nevada's sovereignty on this issue instead of waiting for the federal government to act. This is in the true spirit of the 10th Amendment to the U.S. Constitution.

SENATOR ROBERSON:

Thank you, Mr. President. I want to thank our Republican Governor, Brian Sandoval, for having the foresight to make this a reality. I also want to thank the Assembly Majority Leader and Legislators of both parties for working together and showing Nevadans that, when there is something important to this State, we can come together in a very short period of time to make it happen.

I hope this is a precursor for other important matters that will come before our Body this Session.

Finally, I want to say to New Jersey, Nevada is still number one in gaming and will continue to be. I encourage all of you to vote in favor of Assembly Bill No. 114.

Roll call on Assembly Bill No. 114:

YEAS—21.

NAYS—None.

Assembly Bill No. 114 having received a two-thirds majority, Mr. President declared it passed.

Senator Smith moved that all necessary rules be suspended, and that Assembly Bill No. 114 be immediately transmitted to the Assembly.

Motion carried unanimously.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Assembly Bill No. 114.

REMARKS FROM THE FLOOR

Senator Brower requested that his remarks be entered in the Journal.

Thank you, Mr. President. I rise to briefly mention that we lost a great Nevadan this past weekend, Mr. Jack Streeter. If you are from northern Nevada, you know Jack Streeter. If you do not know him, I would like to summarize who he was.

He was 91 years old when he died last Saturday, February 16, 2013. He was a graduate of Sparks High School and attended the University of Nevada, Reno, where he was a member of the Sigma Nu fraternity, my fraternity, and a Golden Gloves champion.

Jack, like thousands of Nevadans, joined the Army when World War II commenced. Jack Streeter was the most decorated Nevadan of World War II. The veterans among us will appreciate this. He participated in the landing at Normandy, France, as well as many battles including the Battle of the Bulge. He was awarded four Silver Stars, two Bronze Stars and four Purple Heart medals, among other decorations.

He attended law school after the war, and served as the District Attorney in Washoe County from 1951 to 1954. During this time, our own State Senator William J. Raggio was a deputy in that office. At the time of his passing, he was the longest standing member of the State Bar according to the Washoe County Bar Association.

I mention the passing of Jack Streeter, not just because we have lost another great Nevadan, but because we also have lost another World War II Veteran. Hundreds of World War II Veterans pass away every day; every one of them, as I am sure we all agree, deserve our eternal respect and gratitude. Jack Streeter is one of them.

I respectfully request that when we adjourn today, we do so in the memory of Jack Streeter. Thank you, Mr. President.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Karen Barsell.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to the following students, teachers and chaperones from Sepulveda Elementary School, students: Zachary Alessa, Aramus Anderson, Trinity Anderson, Gisella Arana Arellanes, Leslie Ayala, Keely Baldwin, Eddie Barker, Amy Bassi, Madelyn Berg, Jessica Berrisford, Peter Bertolino, Steven Berumen, Alex Batter, Nicholaus Bland, Rachel Bongiovanni, Aden Breunig, Haleigh Brewer, Mason Brook, Kindle Brown, Logan Brown, Sierra Buonacorsi, Makenna Carpinella, Julia Chavez, Alvin Chen, Lucas Christie, Tianna Collins, Jarek Cook, Austin Crowell, Emma Crump, Jalyssa Curlee, Anthony Cussimonio, Luke Degiovanni, Laney Depoali, Kimberly Diaz Quintanilla, Jeric Dumaguing, Hannah Echard,

Tyus Evans, Sophia Fung, Carter Ghisletta, Cooper Gibson, Johnny Gill, Ashley Guinasso, Emiliano Guzman-Talavera, Liam Hayes, Maximus Heinrich, Benjamin Hoang, Dulce Infante Silva, Ilyssa Iyulores, Olivia Jenkins, Brayden Johnson, Cole Johnson, Haylie Johnson, Tylee Kareck, Kylee Kepler, Kylie Kibala, Kailey Klonicke, Gabriel Kurlytis, Derek Livingston, Malia Lynch, Jackson Lynn, Diego Machado, Dulce Macias Rangel, Shane Marin, Bailey Martin, Leo Martinez, Mohammad Ismail Masud, Brooklynn McCoy, Mirical McKinney, Jesus Melendrez, Mikayla Melfe, Brandon Michel, Jacob Miles, Johnny Montalvo, Carter Munson, Mea Murphy, Sarah Nattress, Jack Nowling, Treyveon Parker, Sarah Phillips, Hannah Pienkoski, Trenton Player, Piers Radford-Price, Roman Ramos, Jaden Reeves, Nicolas Reis, Paloma Rice, Riley Robinson, Emily Rogerson, Rensina Salerno, Ivan Sanchez, Sarah Schuette, Madison Slater, Irene Schwartz, Kalea Thomas, Jacob Thompson, Mason Thorpe, Jesamyn Velasco, Alyssa Walker, Jordan Washington, China Westbay, Anna Williams, Jared Williams, Ariana Wilson, Clovis Wong, Karissa Wright; chaperones: Meg Bertolino, Angela Bigotti-Chavez, Eddie Carpinella, Clyyne Cook, Eric Crump, Christa Cussimonio, Jeanette Curlee, Kristian Darling, Jennifer Guinasso, Tom Kareck, Jason Klonicke, Linda Mitchell, Rosie Montalvo, Denelle Munson, Renee Phillips, Amber Player, Dana Salerno, Rachel Sanchez, Tana Schuette, Stephanie Slater, Jennifer Suttmiller, Alicia Thompson, Jackie Velasco, Monica Washington, Jenni Wright; and teachers: Mrs. Pienkoski and Ms. Stover.

On request of Senator Woodhouse, the privilege of the Floor of the Senate Chamber for this day was extended to Larry Seedig.

Senator Denis moved that the Senate adjourn until Monday, February 25, 2013, at 11:00 a.m. and do so in the memory of Jack Streeter, Nevada's most decorated World War II Veteran.

Motion carried.

Senate adjourned at 1:03 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate