

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 4, 2013

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

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Bishop Joseph A. Pepe.

Let us pray. Almighty God, Benevolent Creator, in Your loving plan, You created the world and all in it. With your care, You protect and guide all life in its journey through history and to its fullness. We graciously pray that those who have the responsibility in governing and protecting with just and prudent laws, foster a sense of well-being among the people in Nevada.

May this Body legislate with sensitivity for the welfare and true needs of our people. Always influenced by a keen thirst for justice and rightness, may they appreciate the dignity and uniqueness of every person. May they have confidence in what is good and fitting, an eagerness and ability to work together in harmony even through honest disagreement. Strengthened by their collaboration and bonded by their camaraderie, may they support one another in the arduous and challenging moments of decision.

Through Your gift of love, may they gain personal peace in their lives and joy in their tasks. We ask this in His Name.

AMEN.

Pledge of Allegiance to the Flag led by Bishop Randolph R. Calvo.

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.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

March 4, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 113, 132, 142, 147, 149, 150, 151, 156, 165, 171, 172, 182, 183.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

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: KOLO-TV: Chris Buckley; RENO GAZETTE-JOURNAL: Marilyn Newton; UNIVISION TELEVISION: Jose Gonzalez.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Senate Bill No. 207—AN ACT relating to education; eliminating and revising requirements for certain reports, summaries and compilations of reports, reviews and evaluations; eliminating certain provisions relating to the analysis and reporting of information relating to certain national examinations; reorganizing various provisions relating to the high school proficiency examination and criterion-referenced examinations; eliminating the Program of Empowerment Schools; requiring the Department of Education to compile and analyze certain reports regarding the number of incidents resulting in the suspension or expulsion of a pupil for bullying, cyber-bullying, harassment or intimidation; requiring the Commission on Educational Technology to include certain assessments in the assessment of needs of each school district relating to educational technology that is conducted by the Commission in the spring semester of 2014; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kihuen:

Senate Bill No. 208—AN ACT relating to police officers; revising the definition of “police officer” to include court bailiffs and deputy marshals in district courts and justice courts primarily for purposes of certain provisions relating to occupational diseases; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hutchison, Roberson, Gustavson, Hammond, Spearman, Goicoechea, Hardy, Segerblom and Settlemeyer:

Senate Bill No. 209—AN ACT relating to economic development; requiring the Board of Economic Development to develop and carry out a recruiting and marketing effort to attract professionals and businesses to this State; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske:

Senate Bill No. 210—AN ACT relating to motor carriers; requiring persons who wish to be employed as drivers for certain motor carriers subject to the jurisdiction of the Nevada Transportation Authority to obtain a driver’s permit issued by the Authority; imposing a fee for such a permit; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Cegavske:

Senate Bill No. 211—AN ACT relating to health care; requiring that advertisements for health care services include certain information; requiring certain health care practitioners to communicate certain information to the public; limiting the use of the term “board certified” by certain health care practitioners; providing for the professional discipline of health care practitioners under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Settlemeyer, Cegavske, Hardy; Assemblymen Wheeler and Livermore:

Senate Bill No. 212—AN ACT relating to elections; providing in certain circumstances for a presidential preference primary election to be held in conjunction with the statewide primary election; revising the date of the statewide primary election to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year; requiring the Secretary of State, under certain circumstances and with the approval of the Legislative Commission, to select an earlier date for the statewide primary election; making corresponding changes to various pre-election deadlines; revising requirements for the reporting of campaign contributions and expenditures; establishing requirements for participation by major political parties and candidates in a presidential preference primary election; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks, Manendo, Spearman, Segerblom, Woodhouse; Assemblymen Carlton, Ohrenschall, Martin, Munford and Pierce (by request):

Senate Bill No. 213—AN ACT relating to trapping; requiring the registration of each trap, snare, poisoning device or similar device used in the taking of wild mammals; authorizing the removal or disturbance of a trap, snare, poisoning device or similar device under certain circumstances; requiring the marking of a trap, snare, poisoning device or similar device with a warning flag; increasing the frequency of required visits for a trap, snare, poisoning device or similar device; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 175.

Bill read second time and ordered to third reading.

Assembly Bill No. 68.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 76.

Bill read third time.

Remarks by Senator Jones.

Senate Bill No. 76 revises the definition of "concealed firearm" to mean "a loaded or unloaded handgun which is carried upon a person in such a manner as not to be discernible by ordinary observation." In addition, the measure requires an applicant for a permit to carry a concealed firearm or a person holding a permit for renewal to demonstrate competence with handguns. I urge my colleagues to support this bill and support the law-abiding gun owners of Nevada.

Roll call on Senate Bill No. 76:

YEAS—21

NAYS—None.

Senate Bill No. 76 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 81.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 81 revises the Cancer Drug Donation Program by authorizing physicians to dispense a cancer drug donated for use in the program. Heretofore, it has only been a registered pharmacist that has been allowed to dispense a cancer drug donated for use in the program. Only three independent pharmacies located in southern Nevada are presently participating in the program.

Roll call on Senate Bill No. 81:

YEAS—21

NAYS—None.

Senate Bill No. 81 having received constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 86.

Bill read third time.

The following amendment was proposed by Senator Smith:

Amendment No. 9.

"SUMMARY—Requires the Department of Health and Human Services to allocate money for certain programs relating to persons with Alzheimer's disease and other related dementia. (BDR 40-550)"

"AN ACT relating to public health; requiring the Department of Health and Human Services to allocate money for certain programs relating to persons with Alzheimer's disease and other related dementia; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to allocate money to fund programs that assist senior citizens to live independently, including a program that provides respite care or relief of informal caretakers. (NRS 439.630) This bill expands that program to include respite care or relief for informal caretakers of any person with Alzheimer's disease or other related dementia regardless of the age of the person.

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

Section 1. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Department shall:

(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(4) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the Legislative Committee on Health Care on an annual basis.

(c) Subject to legislative authorization, allocate money for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and

vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

(d) Subject to legislative authorization, allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens *and other specified persons* with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of informal caretakers ~~and~~, *including, without limitation, informal caretakers of any person with Alzheimer's disease or other related dementia regardless of the age of the person;*

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

↪ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) Allocate \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

↪ The Director shall develop policies and procedures for distributing the money allocated pursuant to this paragraph. Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.

(f) Subject to legislative authorization, allocate to the Health Division money for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Health Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Health Division and the district boards of health.

(g) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of residents of this State, including, without limitation, programs that improve health services for children.

(h) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) Subject to legislative authorization, allocate money for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

(j) Maximize expenditures through local, federal and private matching contributions.

(k) Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

(l) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(m) To make the allocations required by paragraphs (f), (g) and (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(n) Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(o) After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c), (d), (f), (g), (h) and (i). The plan must be submitted as part of the proposed budget submitted to the Chief of the Budget Division of the Department of Administration pursuant to NRS 353.210.

(p) On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee, the Nevada Commission on Aging created by NRS 427A.032 and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report on the funding plan submitted to the Chief of the Budget Division of the Department of Administration pursuant to paragraph (o).

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens *and other specified persons* for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens *and other specified persons* upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or

augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity.

Sec. 2. This act becomes effective ~~on July 1, 2013~~ upon passage and approval.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. This amendment changes the effective date from July 1, 2013, to upon passage and approval. In general, the bill allows for care to those who are suffering with dementia regardless of age. The amendment will allow those in tragic situations to have respite care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 121.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 121 authorizes the transfer of the Belmont Courthouse from state ownership to Nye County. The measure sets forth a number of conditions relating to this transfer, including the requirements that Nye County protect all historical and recreational value of the property and guarantee public access to the property. In addition, the county or any successor in title shall not sell, lease, encumber or dispose of the property without authorization by a concurrent resolution

of the Nevada Legislature. Any violation of these conditions will result in the reversion of the title to the property back to the State of Nevada.

Roll call on Senate Bill No. 121:

YEAS—21

NAYS—None.

Senate Bill No. 121 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.

Thank you, Mr. President. During each Nevada Legislative Session since 1991, hundreds of individuals from the State have gathered in Carson City for two days of training, networking, lobbying, discussion and inspiration. Participants learn the ins and outs of being grassroots lobbyists so they can successfully raise their voices on behalf of Nevada's women and children. Sponsored by the Nevada Women's Lobby in conjunction with their partners, each Grassroots Lobby Day includes the opportunity to unite with like-minded people, gain in-depth insights on timely issues and meet with Legislators. This year there are nearly 100 participants from across the State. I had the privilege of speaking with them yesterday while they were working at The Plaza in Carson City. Some traveled all night by bus to be here today and talk with their representatives. We appreciate their efforts.

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 Catana Barnes, Ashley Van Brocklin and Amanda Mathes.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Laura Deitsch, Jordan Eglet, Sally Jordan and Jennifer McGrath.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Vicki Cowart and Christopher Preciado.

On request of Senator Hammond, the privilege of the Floor of the Senate Chamber for this day was extended to Leah Brooks and Amris Henry.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Valerie McNay and Erica Ramos.

On request of Senator Jones, the privilege of the Floor of the Senate Chamber for this day was extended to Alexandria Bradford and Annette Magnus-Marquart.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Cecilia Colling and Sandy Young.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Brian Fadie, Marco Flores and Adriana Hernandez.

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

On request of Senator Settlemeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Kimi Cole, Graham Hollister, Melanie Meehan Crossley and Nancy Stiles.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Elisa Cafferata and Martha Gould.

On request of Senator Spearman, the privilege of the Floor of the Senate Chamber for this day was extended to Elisha Morgan-Lange and Mellanie Tanada.

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

Senator Denis moved that the Senate adjourn until Tuesday, March 5, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:52 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate