

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 12, 2013

Senate called to order at 11:15 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bob Chambers.

Eternal God, our Father, we come to You this morning with hearts that are grateful for Your care and compassion which are made fresh to us this day. We thank You that You have made this day for us to enjoy and to use. May we use it wisely.

Thank You also for the good men and women who are committed to public service. Thank You for their willingness to serve the people of this state, in this Body. I ask that You give them guidance, strength and wisdom in the matters that come before this Body on this day.

In the Name of the sovereign Lord and Savior.

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 Government Affairs, to which were referred Senate Bills Nos. 39, 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 11, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 34, 74, 76, 84, 86, 91, 104, 106, 111, 113, 122, 130, 138, 139, 140, 145, 146, 151, 161, 163, 164, 166, 167, 186, 195, 196, 222.

CINDY JONES

Fiscal Analysis Division

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

Senate in recess at 11:27 a.m.

SENATE IN SESSION

At 11:30 a.m.

President Krolicki presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Senate Bill No. 237—AN ACT relating to crimes; revising the definition of “protected site” as it relates to certain graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 238—AN ACT relating to taxation; providing for the appointment by the Department of Taxation of a hearing officer to review certain decisions made by a county recorder; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Settlemeyer, Cegavske, Gustavson, Hutchison, Brower, Goicoechea, Hardy, Kieckhefer, Roberson; Assemblymen Fiore and Hansen:

Senate Bill No. 239—AN ACT relating to elections; requiring the Secretary of State to obtain certain information from the Social Security Administration, relating to deceased residents; requiring county clerks to cancel the voter registrations of such persons under certain circumstances; 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 Roberson, Denis, Woodhouse, Hardy, Hutchison, Brower, Kieckhefer, Kihuen, Manendo, Parks, Segerblom; Assemblymen Hickey, Bobzien, Hardy, Horne, Oscarson, Spiegel, Stewart and Swank:

Senate Bill No. 240—AN ACT relating to education; creating the Teachers’ School Supplies Reimbursement Account; providing for an annual allocation from the Account to each school district; authorizing teachers to submit claims to the school districts by which they are employed for reimbursement for certain out-of-pocket expenses; requiring the Department of Education to adopt by regulation the procedure for submission and approval of the claims; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cegavske, Roberson, Hutchison, Hammond, Gustavson, Brower, Goicoechea, Hardy, Kieckhefer, Settlemeyer; Assemblymen Duncan, Fiore, Hickey, Paul Anderson, Ellison, Grady, Hambrick, Hansen, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler and Woodbury:

Senate Bill No. 241—AN ACT relating to education; establishing a tax credit for certain taxpayers and holders of state gaming licenses that donate money to a school tuition organization; setting forth certain requirements for a school tuition organization; requiring such an organization to submit an annual report to the Department of Taxation; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Smith:

Senate Bill No. 242—AN ACT relating to alcoholic beverages; removing the limitation on the number of barrels of malt beverages that an operator of one or more brew pubs can manufacture in any calendar year; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Smith and Assemblyman Hickey:

Senate Bill No. 243—AN ACT relating to genetic marker analysis; defining certain terms relating to genetic marker analysis; establishing the State DNA Database; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 11.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 11 makes it unlawful for a person to possess in Nevada any wildlife that was acquired, hunted, taken or transported from another country or state in violation of a law or regulation of that country or state. It brings Nevada law in line with the Lacey Act which relates to wildlife. I urge your support.

Roll call on Senate Bill No. 11:

YEAS—21.

NAYS—None.

Senate Bill No. 11 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 24.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 24 authorizes the Attorney General to establish a program and adopt regulations necessary to assist law enforcement and prosecuting attorneys in complying with Article 36 of the Vienna Convention on Consular Relations.

Roll call on Senate Bill No. 24:

YEAS—21.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25.

Bill read third time.

Remarks by Senators Spearman, Cegavske and Parks.

SENATOR SPEARMAN:

Senate Bill No. 25 authorizes the Attorney General to investigate and prosecute technological crimes, pursue the forfeiture of property in relation to these crimes and bring action to enjoin or obtain equitable relief to prevent the occurrence or continuation of technological crimes. It also revises the definition of theft to include the theft of audio or visual services.

Finally, Senate Bill No. 25 revises, from a two-thirds to a simple majority, the number of members of the Technological Crime Advisory Board who must vote to approve the appointment of the Board's Executive Director.

SENATOR CEGAVSKE:

Thank you, Mr. President. I would like to ask someone on the Committee if they could answer a question for me: Does this help someone who had email, website and any other Internet-based property broken into? Does this help with, not only business Internet, but personal Internet-based sites as well?

SENATOR PARKS:

Thank you, Mr. President. To my colleague in Senate District 8, my understanding of this bill is no, it would not deal with the individual when it comes to identity theft directly.

SENATOR CEGAVSKE:

Thank you, Mr. President. I did not mean to suggest personal identity, rather, I sponsored a bill a few sessions back, where there was an individual who was having his email broken into and another was using his email to send false personal accusations from his personal email address. I was hoping to assess whether this bill helps assist someone with this kind of issue.

SENATOR PARKS:

Thank you, Mr. President. Yes, this bill will authorize the Attorney General to investigate and prosecute any alleged technological crime and it will also authorize the forfeiture of property relating to technological crimes from such individuals who attempt to profit from the use of stolen technological data.

Roll call on Senate Bill No. 25:

YEAS—21.

NAYS—None.

Senate Bill No. 25 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 46.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Senate Bill No. 46 changes the name of the Motor Pool Division of the Department of Administration to the Fleet Services Division and makes the Fleet Services Division a permanent division of the Department of Administration. This bill becomes effective upon passage and approval.

Roll call on Senate Bill No. 46:

YEAS—21.

NAYS—None.

Senate Bill No. 46 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Senate Bill No. 53 deals with the State Registrar of Vital Statistics. It provides that information relating to birth certificates be released 125 years after the date of birth and information relating to a certificate of death may be released 50 years after the date of death.

Roll call on Senate Bill No. 53:

YEAS—21.

NAYS—None.

Senate Bill No. 53 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Senate Bill No. 73 removes the provision that a report of an act of cruelty against an animal is confidential. It protects the identity of the person making the report, which better matches the intent of Senate Bill 223 of the 76th Session, while still allowing the report itself to be viewed for the purposes of law enforcement.

Roll call on Senate Bill No. 73:

YEAS—21.

NAYS—None.

Senate Bill No. 73 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 80.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 80 makes various changes governing dairy products and dairy substitutes. Specifically, the measure authorizes the State Dairy Commission to impound and dispose of any adulterated milk or milk product or any misbranded milk or milk product and impose a civil penalty of not more than \$1,000 for a violation of certain provisions governing permits for the sale of milk and cream. Additionally, Senate Bill No. 80 revises membership qualifications for certain members of the Commission, and it allows the Commission to accept gifts and grants to promote and develop the economic viability of the dairy industry in this State. The bill also makes various changes to frozen desserts and distributors of fluid milk and cream. Finally, the measure revises various definitions for certain dairy products and eliminates numerous provisions governing dairy products and dairy substitutes.

Roll call on Senate Bill No. 80:

YEAS—21.

NAYS—None.

Senate Bill No. 80 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 110.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. I rise in support of Senate Bill No. 110 which enacts an amendment to Article 4A of the Uniform Commercial Code, which was promulgated by the Uniform Law Commission and the American Law Institute. The amendment provides that Article 4A applies to a remittance transfer that is not an electronic funds transfer under the federal Electronic Fund Transfer Act. In addition, the amendment to the Uniform Commercial Code clarifies that the federal statute governs in the case of any inconsistency between the applicable provision of Article 4A and the Electronic Fund Transfer Act. This bill passed unanimously out of Committee. I urge your support.

Roll call on Senate Bill No. 110:

YEAS—21.

NAYS—None.

Senate Bill No. 110 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 114.

Bill read third time.

Remarks by Senator Roberson.

Thank you, Mr. President. I rise in support of Senate Bill No. 114. I would like to thank my colleague from Senate District 4 who Chairs the Committee on Commerce, Labor and Energy, for being the primary sponsor of this bill along with me. Senate Bill No. 114 relates to the filing of insurance rates and insurance modernization. It provides that a rate filing made by an insurer

service organization must include a proposed effective date for those rates and be filed with the Commissioner of Insurance not less than 30 days before the proposed effective date of those rates. A filing for a proposed rate increase or decrease may include a request that the Commissioner authorize an earlier effective date than the date proposed. If within 15 days after a proposal is filed the Commissioner determines that the proposal is incomplete, the Commissioner must notify the insurer or rate service organization of that determination. The bill changes from 60 to 30 the number of days within which the Commissioner must approve or disapprove a proposed rate change after determining the proposal is complete. If the proposal is not approved, the Commissioner must submit a written notice to the insurer or rate service organization of the disapproval within that same 30-day period and provide the reasons why the proposal was disapproved. The insurer or rate service organization may, within 30 days of receiving a notice of disapproval, request a reconsideration of the proposal. The Commissioner must approve or disapprove the reconsidered proposal not later than 30 days after receipt of the request for reconsideration. I urge my colleagues to support Senate Bill No. 114.

Roll call on Senate Bill No. 114:

YEAS—21.

NAYS—None.

Senate Bill No. 114 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 136.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Senate Bill No. 136 provides that homicide is justifiable when committed by a public officer, or a person acting under the command and in the aid of a public officer, when necessary in protecting against an imminent threat to the life of a person. I would like to thank my colleague from Senate District 7 for bringing this bill to the Committee on Judiciary where it received unanimous support. I urge a yes vote.

Roll call on Senate Bill No. 136:

YEAS—21.

NAYS—None.

Senate Bill No. 136 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 178.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Senate Bill No. 178 authorizes the Nevada Silver Haired Legislative Forum to request for each regular Session one legislative measure relating to matters within the scope of the Forum. I urge your support for our seniors and the Forum.

Roll call on Senate Bill No. 178:

YEAS—21.

NAYS—None.

Senate Bill No. 178 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President. I request your support on Senate Joint Resolution No. 4, which urges the Government of Turkey to grant the Ecumenical Patriarch international recognition, to respect the ecclesiastical succession, and to safeguard the human rights and property rights of Orthodox Christians who reside there.

Roll call on Senate Joint Resolution No. 4:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

Senator Atkinson requested that the following remarks be entered in the journal.

SENATOR ATKINSON:

Thank you, Mr. President. I would like to rise and commend the Canadian Consulate. They have been wonderful to work with. We have forged a great working relationship with them through the Council of State Governments West. We enjoyed our annual CSG West conference in Alberta last year; Canada was a terrific host. We have tried to generate some new ideas to keep that relationship solid so we are looking ahead to our next annual conference in Las Vegas later this year. I commend them for being so great to work with. They have expressed a need to be involved with what we do here in our State and we are grateful for that.

SENATOR SMITH:

Thank you, Mr. President. I am honored to have visiting guests from Canada here today. As Vice President of the National Conference of State Legislatures, we enjoy a deep relationship with the country of Canada. Specifically, we had our executive board meeting in Quebec last year; it is an amazing place. We had the actual board meeting in their Parliament building. It is a beautiful place. We value the relationship with Canada very much and have really come to understand all of the many issues—border issues, trade issues, energy issues—that connect our countries. We understand how important it is for us to maintain those close ties. I appreciate the relationship so much and I am honored to have guests from Canada with me here today.

PRESIDENT KROLICKI:

We have some very special guests in the Chamber for Canada Day at the Nevada Legislature. I think you all understand the incredible importance of the relationship of brotherhood we have with the country of Canada. We treasure the relationship and value the friendships we have had for a very long time on the longest border in the world that secures peace and comfort.

One indulgence here if I may, when we think of Canada we think of hockey, maple leaves, maple syrup, Royal Canadian Mounted Police and we also think of curling. I shared with the Consul General and his team today that the International Continental Cup of Curling—the Holy Grail of curling, like the America's Cup—is a big deal around the world, and especially in Canada. This contest has never before been held outside of Canada. In January of 2014, the International Continental Cup of Curling will be held in our very own Las Vegas. We are delighted to further enhance, through elite international sports, curling in Nevada.

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 the students from Sage Ridge School: E.B. Armstrong, Mac Cronin, John Dewald, Grant Gabriel, Xieyi Huang, Corrine Lowe and Kristen Lowe.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Quebec's Delegate in 13 western states in the U.S., including Nevada, Mr. Alain Houde.

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Consul General of Canada and Canada's Senior Diplomatic Representative in Southern California, Arizona and Nevada, the Honorable David Fransen; Royal Canadian Mounted Police Staff Sergeant, Gerald Gervais; and special Canadian guests in the Senate Gallery.

Senator Denis moved that the Senate adjourn until Wednesday, March 13, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:56 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate