

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 13, 2013

Senate called to order at 11:14 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bob Chambers.

Loving Heavenly Father, we come to You this hour asking for Your blessing and help as we gather together. We pray for guidance in the matters at hand and ask that You would clearly show us how to conduct our work with a spirit of joy and enthusiasm.

Give us the desire to find ways to excel in our work. Help us to work together, to encourage each other to excellence and to look for solutions to the problems we face. May we respect each other's opinions and ideas as we work for the good of all.

We ask this in the Name of Him who is the source of all wisdom.

AMEN.

Pledge of Allegiance to the Flag was led by Rosemary Smith.

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 Education, to which was referred Senate Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Senate Bills Nos. 13, 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 12, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 12, 57.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 187, just reported out of Committee, be placed on the Second Reading File for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Brower, Spearman, Hardy, Parks; Assemblymen Kirner, Elliot Anderson, Ellison, Duncan, Hogan, Livermore, Stewart and Wheeler:

Senate Bill No. 244—AN ACT relating to motor vehicles; authorizing a person who has been honorably discharged from the Armed Forces of the United States to obtain a designation on his or her instruction permit, driver's license or identification card indicating that he or she is a veteran; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Roberson, Manendo, Hammond, Parks and Assemblyman Munford:

Senate Bill No. 245—AN ACT relating to animals; enacting provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals; authorizing counties to enact certain ordinances regulating dangerous wild animals; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Jones and Spearman:

Senate Bill No. 246—AN ACT relating to campaign practices; amending the definition of "committee for political action" to include certain organizations and entities that receive contributions or make expenditures in excess of certain amounts for the purpose of affecting an election; requiring such organizations and entities to register as committees for political action; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kihuen:

Senate Bill No. 247—AN ACT relating to domestic relations; repealing the Uniform Premarital Agreement Act and adopting the Uniform Premarital and Marital Agreements Act; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Settlemeyer and Assemblyman Grady:

Senate Bill No. 248—AN ACT relating to vessels; allowing a person who discovers an abandoned vessel on private property to apply for a certificate of ownership to the abandoned vessel under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 249—AN ACT relating to employment; revising provisions governing compensation for overtime; 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 Senator Hardy:

Senate Bill No. 250—AN ACT relating to local improvements; providing for the creation of certain local improvement districts that include an energy efficiency improvement project or a renewable energy project; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 12.

Senator Smith moved that Assembly Bill No. 12 be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 57.

Senator Smith moved that Assembly Bill No. 57 be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 44.

Bill read second time and ordered to third reading.

Senator Smith moved that Senate Bill No. 44 be taken from the General File and re-referred to the Committee on Finance.

Remarks by Senator Smith.

Thank you, Mr. President. This bill has a small fiscal impact that needs to be considered by the Committee on Finance.

Motion carried.

Senate Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 33.

"SUMMARY—Revises provisions relating to the Nevada Youth Legislature. (BDR 34-516)"

"AN ACT relating to the Nevada Youth Legislature; revising the deadline for appointments to the Youth Legislature; revising the qualifications ~~for appointment to~~ to serve on the Youth Legislature; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law creates the Nevada Youth Legislature, consisting of 21 members who are each appointed by a member of the Senate, and sets forth the qualifications for appointment to the Youth Legislature. (NRS 385.515, 385.525, 385.535)

Section 1 of this bill revises the deadline for appointment to the Youth Legislature from March 30 of each year to April 30 of each odd-numbered year. Section 2 of this bill revises the qualifications ~~for appointment~~ to serve on the Youth Legislature to require a person to be eligible to enroll ~~enrolled~~ in a public or private school in this State ~~for~~ in grade 9, 10 or 11 ~~for~~ for the first school year immediately following appointment ~~of the term for which he or she is appointed~~ or be a homeschooled child who is otherwise eligible to enroll in a public school in this State in grade 9, 10 or 11 for the first school year ~~immediately following appointment~~ of the term for which he or she is appointed. Section 3 of this bill adds to the list of acts which create a vacancy on the Youth Legislature graduation from high school or completion of an educational plan of instruction for grade 12 or otherwise ceasing to attend school or be homeschooled. Section 3 further authorizes the appointment of a person enrolled in grade 12 to fill a vacancy only if the remainder of the unexpired term of office is less than 1 year.

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

Section 1. NRS 385.515 is hereby amended to read as follows:

385.515 1. The Nevada Youth Legislature is hereby created, consisting of 21 members.

2. Each member of the Senate shall, taking into consideration any recommendations made by a member of the Assembly, appoint a person who submits an application and meets the qualifications ~~for appointment~~ set forth in NRS 385.525. A member of the Assembly may submit recommendations to a member of the Senate concerning the appointment.

3. ~~After the initial terms:~~

~~(a)~~ Except as otherwise provided in subsection 4, appointments to the Youth Legislature must be made by each member of the Senate before ~~March~~ April 30 of each *odd-numbered* year.

~~[(b)]~~ The term of each member of the Youth Legislature begins June 1 of ~~[the year of appointment.]~~ *each odd-numbered year.*

4. If a member of the Senate does not make an appointment to the Youth Legislature by ~~[March]~~ *April 30* of ~~[a]~~ *an odd-numbered year*, the members of the Assembly whose assembly districts are at least partially located within the senatorial district of that member of the Senate must collaborate to appoint a person who submits an application and meets the qualifications ~~[for appointment]~~ set forth in NRS 385.525.

5. Each member of the Youth Legislature serves a term of 2 years and may be reappointed to one successive 2-year term if the member continues to meet the qualifications ~~[for appointment]~~ set forth in NRS 385.525.

Sec. 2. NRS 385.525 is hereby amended to read as follows:

385.525 1. To be eligible ~~[for appointment]~~ to serve on the Youth Legislature, a person:

(a) Must be:

(1) A resident of the senatorial district of the Senator who appoints him or her;

(2) Enrolled in a public school or private school located in the senatorial district of the Senator who appoints him or her; or

(3) A homeschooled child who is otherwise eligible to be enrolled in a public school in the senatorial district of the Senator who appoints him or her;

(b) ~~[Must]~~ Except as otherwise provided in subsection 3 of NRS 385.535, must be ~~[enrolled]~~ :

(1) ~~[Eligible to enroll]~~ Enrolled in a public school or private school in this State in grade 9, 10 ~~[,]~~ or 11 ~~[or 12]~~ for the first school year ~~[in which he or she serves]~~ ~~[immediately following the person's appointment.]~~ of the term for which he or she is appointed; or ~~[be a]~~

(2) A homeschooled child who is otherwise eligible to enroll in a public school in this State in grade 9, 10 ~~[,]~~ or 11 ~~[or 12]~~ for the first school year ~~[in which he or she serves;]~~ ~~[immediately following the person's appointment;]~~ of the term for which he or she is appointed; and

(c) Must not be related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Senator who appoints him or her or to any member of the Assembly who collaborated to appoint him or her.

2. If, at any time, a person appointed to the Youth Legislature changes his or her residency or changes his or her school of enrollment in such a manner as to render the person ineligible under his or her original appointment, the person shall inform the Board, in writing, within 30 days after becoming aware of such changed facts.

3. A person who wishes to be appointed or reappointed to the Youth Legislature must submit an application on the form prescribed pursuant to subsection 4 to the Senator of the senatorial district in which the person resides, is enrolled in a public school or private school or, if the person is a homeschooled child, the senatorial district in which he or she is otherwise

eligible to be enrolled in a public school. A person may not submit an application to more than one Senator in a calendar year.

4. The Board shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is a homeschooled child, the signature of a member of the community in which the applicant resides other than a relative of the applicant.

Sec. 3. NRS 385.535 is hereby amended to read as follows:

385.535 1. A position on the Youth Legislature becomes vacant upon:

(a) The death or resignation of a member.

(b) The absence of a member for any reason from:

(1) Two meetings of the Youth Legislature, including, without limitation, meetings conducted in person, meetings conducted by teleconference, meetings conducted by videoconference and meetings conducted by other electronic means;

(2) Two activities of the Youth Legislature;

(3) Two event days of the Youth Legislature; or

(4) Any combination of absences from meetings, activities or event days of the Youth Legislature, if the combination of absences therefrom equals two or more,

↳ unless the absences are, as applicable, excused by the Chair or Vice Chair of the Board.

(c) A change of residency or a change of the school of enrollment of a member which renders that member ineligible under his or her original appointment.

2. In addition to the provisions of subsection 1, a position on the Youth Legislature becomes vacant if:

(a) A member of the Youth Legislature graduates from high school or otherwise ceases to attend public school or private school for any reason other than to become a homeschooled child; or

(b) A member of the Youth Legislature who is a homeschooled child completes an educational plan of instruction for grade 12 or otherwise ceases to be a homeschooled child for any reason other than to enroll in a public school or private school.

3. A vacancy on the Youth Legislature must be filled:

(a) For the remainder of the unexpired term in the same manner as the original appointment ~~[-]~~, *except that, if the remainder of the unexpired term is less than 1 year, the member of the Senate who made the original appointment may appoint a person who:*

(1) *Is enrolled in a public school or private school in this State in grade 12 or who is a homeschooled child who is otherwise eligible to enroll in a public school in this State in grade 12; and*

(2) *Satisfies the qualifications set forth in paragraphs (a) and (c) of subsection 1 of NRS 385.525.*

(b) Insofar as is practicable, within 30 days after the date on which the vacancy occurs.

~~§ 4.~~ 4. As used in this section, "event day" means any single calendar day on which an official, scheduled event of the Youth Legislature is held, including, without limitation, a course of instruction, a course of orientation, a meeting, a seminar or any other official, scheduled activity.

Sec. 4. If this act becomes effective on or before March 30, 2013:

1. Notwithstanding the provisions of NRS 385.515 and 385.525, as amended by sections 1 and 2 of this act, respectively, a member of the Nevada Youth Legislature whose term of office expires on May 31, 2013, and who is:

(a) Eligible to enroll in grade 12 in a public school or private school in this State for the 2013-2014 school year; or

(b) A homeschooled child who is otherwise eligible to enroll in a public school in this State in grade 12 for the 2013-2014 school year,
 ↪ may be reappointed to the Youth Legislature for a 1 year term that begins on June 1, 2013, and ends on May 31, 2014.

2. If a person is reappointed to the Youth Legislature pursuant to subsection 1, the member of the Senate who reappointed the person shall, on or before April 30, 2014, appoint another person to the Youth Legislature as his or her replacement. The person appointed pursuant to this subsection must meet the qualifications set forth in subsection 1 of NRS 385.525, as amended by section 2 of this act, or paragraph (a) of subsection ~~§ 3~~ 3 of NRS 385.535, as amended by section 3 of this act. The term of office of the person appointed pursuant to this subsection begins on June 1, 2014, and ends on May 31, 2015.

3. If a vacancy occurs during the term of a member of the Nevada Youth Legislature who was reappointed pursuant to subsection 1, the vacancy must be filled for the unexpired term in the manner provided in NRS 385.535, as amended by section 3 of this act.

Sec. 5. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Amendment No. 33 makes three changes to Senate Bill No. 187. First, it adds additional cosponsors to the bill. Second, Amendment No. 33 clarifies the starting date for the term of appointment for a member of the Nevada Youth Legislature. Third, it provides additional conditions that would constitute a vacancy on the Nevada Youth Legislature. The amendment specifies that a position becomes vacant if a student ceases to attend or graduates from high school. For a home schooled member, a vacancy is created if the student completes a grade 12 plan of instruction or otherwise ceases to receive instruction. I would appreciate your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

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

Thank you, Mr. President. The year 2013 marks the 10-year anniversary of iNVEST, the blueprint for changing the face of education in the state of Nevada. Some things have changed over the past decade, others have not. In the wake of the worst recession in Nevada's modern history, our schools continue to receive some of the lowest per pupil funding levels in the nation, even while class sizes continue to rise, student demographics suppose increasing challenges, innovative education programs have been cut and school capital budgets have been depleted. For the members of the Senate, I would like to let you know that this afternoon, there will be a joint meeting of both Senate and Assembly Education Committees. We will be hearing from the County Superintendents regarding the iNVEST Program. We welcome you to join us for the discussion. It is critical that we take a look at what is happening in our school districts in order to move forward.

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 John Barsanti and Dr. Lisa Noonan.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Nykki Holton and Cathylee James.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Jorge Corral, Gary Gazaway, Pat Skorkowsky and Karen Varela.

On request of Senator Ford, the privilege of the Floor of the Senate Chamber for this day was extended to Charla Hales and Daniel Mahlberg.

On request of Senator Goicoechea, the privilege of the Floor of the Senate Chamber for this day was extended to Lou Basanez, Bob Dolezal, Curtis Mitchell and Jeff Zander.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Joe Crim, Dan Fox, Dave Jensen and John Seeliger.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Karen Alsum, Josslin Perez, Kimberly Puente and Angel Reynoso.

On request of Senator Hutchison, the privilege of the Floor of the Senate Chamber for this day was extended to MaryAnn Mangan and Christian Marsh.

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

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to retired Judge Steve Elliott, Keith Savage, John Stevens, Richard Stokes and Theo McCormick.

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

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to George Whittell High School students Garrett Bronken, Cody Gibson, Jessica Greener, and Chelsea Pfothenauer; and Mary Jane Lake.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Pedro Martinez, Dale Norton and Dr. Rob Slaby.

On request of Senator Woodhouse, the privilege of the Floor of the Senate Chamber for this day was extended to Scott Fulwider, Wade Poulsen and Bus Scharmann.

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Rosemary Smith; the students and chaperones from George Whittell High School, students: Jordana Addeo, Rodney Aguirre-Rodriguez, Kristian Aynedter, Lilyanne Ballard, Jacob Benitez, Katie Besson, Brianna Brewer, Austin Buyak, Anders Chaplin, Veronica Charles, Alexa Cooper, Ana Laura Cortez, Colette Craig, Kody Dangtongdee, Christopher Flammer, Sierra Forvilly, Amanda Harris, Emily Harris, Derek Heldt-Werle, Avery Laub, Jessica Lietz, Alan Manzano, Lauren Marshall, Austin Neil, Marshall Neil, Hughston Norton, Joseph Petty, Robert Poet, Alex Sanchez, Amanda Shull, Nicki Simon, Lakin Smith, Sarah Tencher, Nolan Thoma, Joshua Welch; chaperones: Debra Harris and Larry Reilly.

Senator Denis moved that the Senate adjourn until Friday, March 15, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:49 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate