

## THE SIXTIETH DAY

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CARSON CITY (Thursday), April 4, 2013

Senate called to order at 11:18 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Teji Malik.

Good morning. *Ik Ong Kaar* means, "One Source of all." We seek Your help to make us better people so that we can serve Nevadans in the best possible manner. Lord, You have put us in this position so that we can be compassionate and understand the aches and pains of the people we serve in order to help them.

The *Guru Granth* says: "Let spiritual wisdom be your food and compassion your attendant." Lord, please break these walls of division between the two aisles so we can be Nevadans for all Nevadans. Lord, give us courage and help us write bills for the betterment of all Nevadans.

The *Guru Granth* says: "Make the love of the Lord your pen, and let your consciousness be the scribe. Then, seek the Lord's instructions and record these deliberations." Lord with Your guidance we can achieve the above. Lord, make us get rid of me-isms so that we can see You in all Nevadans and help them in all possible manners.

Says the *Guru Granth*: "Lord is merciful, kind and compassionate. All are satisfied and fulfilled through Him." Lord, for the sake of the people we serve, make us righteous even if we have to make sacrifices. Lord, these seats of power You have bestowed upon us mean nothing if we cannot use them to better the lives of all dwellers of this State.

The *Guru Granth* further says: "The God-lovers do not like falsehood. They are imbued with truth; they love only truth." Lord, we are ready to give our seats of power as our ultimate sacrifice. What good is this power if it cannot make the powerless powerful? How does one go about this ultimate sacrifice?

Allow me to end with what the *Guru Granth* says: "Such a person remains blissful forever, day and night. Meeting the Lord, peace is found."

Lastly, I would like to thank the Senate for this great opportunity and privilege. It has truly been an honor. Godspeed in all your endeavors, Senators.

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 Education, to which was referred Senate Bill No. 125, 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 Government Affairs, to which was referred Senate Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Senate Bill No. 438; Senate Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

AARON D. FORD, *Chair*

*Mr. President:*

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

RUBEN J. KIHUEN, *Chair*

*Mr. President:*

Your Committee on Transportation, to which were referred Senate Bills Nos. 12, 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

COMMUNICATIONS  
CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515-2801

April 4, 2013

THE HONORABLE MOISES DENIS, *Majority Leader of the Nevada Senate*

Legislative Building, 401 South Carson Street, Carson City, NV 89701-4747

DEAR MAJORITY LEADER:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Thursday, April 4, 2013. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be addressing in the upcoming months and how they will affect the State of Nevada.

I thank you in advance for your consideration of my request, and I look forward to seeing you soon.

Sincerely,  
DINA TITUS  
*United States Congresswoman*

WAIVERS AND EXEMPTIONS  
NOTICE OF EXEMPTION

April 3, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bills Nos. 298, 304, 376, 398.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 80, 265, 273, 276, 299, 308.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 162, 169, 197, 201, 213, 215, 216, 224, 228, 234, 237, 239, 242.

CINDY Jones  
*Fiscal Analysis Division*

April 4, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 58, 330.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 300, 303, 305, 308, 320, 321, 322, 326, 327, 328, 329, 331, 340, 345, 346, 349, 353, 354, 355, 357, 358, 362, 363, 367, 370, 374, 375, 376,

379, 380, 385, 386, 387, 390, 391, 394, 395, 404, 407, 408, 415, 423, 431, 445, 446, 454, 455, 463, 464, 465, 468, 470, 471, 473, 501, 502, 504.

MARK KRMPOTIC  
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs.

Amendment No. 18.

"SUMMARY—Revises provisions relating to the purchasing and labeling of motor vehicles by the State. (BDR 27-285)"

"AN ACT relating to public purchasing; revising provisions relating to the purchasing and labeling of motor vehicles by the State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[This]~~ Section 1 of this bill removes from existing law the requirement that motor vehicles purchased by the State for use by any department, office, bureau, officer or employee of the State be labeled by painting the words "State of Nevada" and "For Official Use Only" on the motor vehicles. (NRS 334.010) ~~[This bill]~~ Section 1 replaces that requirement ~~[with a requirement that]~~ by requiring the ~~[Director of the Department of Administration]~~ State Board of Examiners to adopt regulations governing the labeling of those motor vehicles and any exceptions to the labeling requirements.

~~[This bill]~~ Section 1 also revises the requirement that any purchase of a motor vehicle by the State receive the prior written consent of the State Board of Examiners to allow the prior written consent of a designee of the State Board of Examiners. (NRS 334.010)

Section 3 of this bill exempts the Board from complying with the procedural requirements of chapter 233B of NRS when adopting the regulations required pursuant to section 1.

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

Section 1. NRS 334.010 is hereby amended to read as follows:

334.010 1. No ~~[automobile]~~ motor vehicle may be purchased by any department, office, bureau, officer or employee of the State without prior written consent of the State Board of Examiners ~~[.]~~ or its designee.

2. All such ~~[automobiles]~~ motor vehicles must be used for official purposes only.

3. ~~[All such automobiles, except:~~

(a) ~~Automobiles maintained for and used by the Governor;~~

(b) ~~Automobiles used by or under the authority and direction of the Chief Parole and Probation Officer, the State Contractors' Board and auditors, the State Fire Marshal, the Investigation Division of the Department of Public~~

Safety, the investigators of the State Gaming Control Board, the investigators of the Securities Division of the Office of the Secretary of State and the investigators of the Attorney General;

(c) One automobile used by the Department of Corrections;

(d) Two automobiles used by the Caliente Youth Center;

(e) Three automobiles used by the Nevada Youth Training Center; and

(f) Four automobiles used by the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services; must be labeled by painting the words "State of Nevada" and "For Official Use Only" on the automobiles in plain lettering. The Director of the Department of Administration or a representative of the Director shall prescribe the size and location of the label for all such automobiles.

4. Any officer or employee of the State of Nevada who violates any provision of this section is guilty of a misdemeanor.

4. ~~The Director of the Department of Administration~~ State Board of Examiners shall adopt regulations governing the labeling of motor vehicles purchased by any department, office, bureau, officer or employee of the State, including, without limitation, any exceptions to the requirement to label a motor vehicle.

5. As used in this section, "motor vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of less than 8,500 pounds. The term does not include a vehicle that is operated using fewer than four wheels in contact with the ground, including, without limitation, a moped, motorcycle or trimobile.

Sec. 2. ~~The Director of the Department of Administration shall adopt the regulations required pursuant to subsection 4 of section 1 of this act on or before December 31, 2013.~~ (Deleted by amendment.)

Sec. 3. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS ~~and~~ NRS 334.010.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

↪ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

~~{Sec. 3.}~~ Sec. 4. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 18 to Senate Bill No. 5 replaces a reference in the bill to “the Director of the Department of Administration” with “the Board of Examiners” and exempts the Board from provisions of Chapter 233B of *Nevada Revised Statutes* adopting regulations relating to labeling of State vehicles.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs.

Amendment No. 16.

Legislative Counsel’s Digest:

Existing law contains the Nevada Code of Military Justice, which provides a system of adjudicating guilt and punishing offenders within the Nevada National Guard. (NRS 412.196-412.584) Sections 8, 65 and 66 of this bill specify personal and subject matter jurisdiction under the Code. Existing law allows commanding officers to impose certain types of nonjudicial punishment upon servicemen and servicewomen under their command. (NRS 412.286-412.302) Sections 10-17, 67-70, 107 and 110 of this bill modify provisions governing nonjudicial punishment.

Existing law provides for courts-martial to adjudicate certain offenses under the Code. (NRS 412.304-412.448) Sections 18-32, 72-97 and 100-103 of this bill revise provisions governing courts-martial. Sections 30 and 31 provide that certain persons found incompetent to stand trial by court-martial or not guilty by reason of lack of mental responsibility in court-martial proceedings are committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services. Section 97 gives general courts-martial the authority to impose a punishment of confinement for up to 10 years. Convicted servicemen and servicewomen serve their confinement in civil jails, detention facilities, penitentiaries or certain prisons. (NRS 412.276, 412.414)

Existing law specifies military offenses triable by courts-martial. (NRS 412.452-412.562) Sections 33-40 of this bill add to this list of offenses

acting as a spy, espionage, possession of controlled substances, sexual assault, stalking, larceny, wrongful appropriation, extortion and assault.

Section 41 of this bill specifies who may administer oaths for the purposes of military administration, including military justice. Sections 42 and 43 of this bill specify how the Code is to be construed. ~~{Sections 49 and 51 of this bill broaden the list of qualifications for the positions of Adjutant General and Assistant Adjutant General. (NRS 412.044, 412.054)}~~

Existing law establishes the Nevada National Guard as an organized body of enlisted personnel and commissioned officers. (NRS 412.026) Section 44 of this bill establishes the Nevada Enlisted Association of the National Guard of the United States, a group of current and retired enlisted personnel of the Nevada National Guard.

Section 53 of this bill conditions a program promoting rifle practice on the availability of funds from the State or Federal Government. (NRS 412.088)

Existing law provides that the Nevada National Guard cannot discriminate on the basis of race, creed, color, sex or national origin. (NRS 412.116) Section 54 of this bill prohibits discrimination on the basis of gender or sexual orientation as well, while deleting language specifically prohibiting discrimination based on sex.

Section 57 of this bill provides that members of the Nevada National Guard deployed to perform an emergency are to be compensated according to their respective military grade and pay status instead of receiving compensation equal to that received by the main labor force in the service of the State or Federal Government as they do under existing law. (NRS 412.138)

Section 106 of this bill modifies the procedure for making a complaint against a commanding officer. (NRS 412.568) Section 108 of this bill exempts persons subject to the Code from liability for acts or omissions performed as part of their duties under the Code. Section 110 of this bill repeals allowances provided to servicemen and servicewomen of the Nevada National Guard for uniforms and equipment.

Section 44 of Senate Bill No. 18 is hereby amended as follows:

*Sec. 44. Enlisted personnel of the Nevada National Guard, including retired enlisted members thereof, may organize themselves into an association, which is to be named the Nevada Enlisted Association of the National Guard of the United States. The Association may adopt bylaws not inconsistent with the statutes of this State and may alter and amend such bylaws. The Association may, upon request, provide advice and assistance to the Adjutant General regarding matters of concern to enlisted personnel of the Nevada National Guard.*

Section 49 of Senate Bill No. 18 is hereby amended as follows:

Sec. 49. NRS 412.044 is hereby amended to read as follows:

412.044 1. The Governor shall appoint an Adjutant General who shall hold office for a 4-year term or until relieved by reason of resignation,

withdrawal of federal recognition or for cause to be determined by a court-martial. The current term of an Adjutant General shall continue until its prescribed expiration date while such Adjutant General is serving in a federal active duty status under an order or call by the President of the United States.

2. To be eligible for appointment to the office of Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of lieutenant colonel or higher, and must have completed at least 6 ~~{years<sup>2</sup>}~~ *years of service in ~~fa component of~~ the Nevada ~~[Armed Forces of the United States, Reserves or]~~ National Guard as a federally recognized officer.*

3. The Adjutant General may be appointed in the grade of lieutenant colonel or higher, but not exceeding that of major general. If appointed in a lower grade, the Adjutant General may be promoted by the Governor to any grade not exceeding that of major general.

~~f 4. As used in this section, "Reserves" means the Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve and Navy Reserve.~~

Section 51 of Senate Bill No. 18 is hereby amended as follows:

Sec. 51. NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively, at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

2. To be eligible for appointment to the office of Assistant Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of lieutenant colonel or higher, and must have completed at least 6 ~~{years<sup>2</sup>}~~ *years of service in the Nevada National Guard ~~fa component to the Armed Forces of the United States, Reserves or National Guard~~* as a federally recognized officer . ~~{ 3 years of which must be immediately before the appointment.}~~

3. An Assistant Adjutant General may be appointed in the grade of lieutenant colonel or higher, but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

4. The Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

5. Whoever serves as Chief of Staff for Army is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

6. In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by Office regulations:



(a) One of the Assistant Adjutants General to perform the duties of his or her office as Acting Adjutant General.

(b) If neither Assistant Adjutant General is available, any national guard officer to be the Acting Adjutant General.

↪ The designated Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

~~f 7. As used in this section, "Reserves" means the Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve and Navy Reserve.~~

Section 65 of Senate Bill No. 18 is hereby amended as follows:

Sec. 65. NRS 412.254 is hereby amended to read as follows:

412.254 1. The following persons who are not in federal service are subject to this Code:

~~{1.}~~ (a) Members of the Nevada National Guard, whether or not they are in training pursuant to 32 U.S.C. §§ 501 to 507, inclusive.

~~{2.}~~ (b) ~~Retired members of the Nevada National Guard who are entitled to pay.~~

~~{e)}~~ Retired, separated or discharged members of the Nevada National Guard, regardless of their entitlement to pay, if the offense charged occurred before their retirement, separation or discharge.

~~{d)}~~ (c) All other persons lawfully ordered to duty in or with the Nevada National Guard, from the dates they are required by the terms of the order or other directive to obey it.

2. No person may be punished under this Code for any offense provided for in the Code unless:

(a) The person is subject to any provision of subsection 1 or is a member of the state military forces; and

(b) The offense is either a purely military offense or a civilian offense where there is a nexus between the offense and the state military forces.

3. To impose disciplinary action under the Code, there must be jurisdiction over the person pursuant to section 8 of this act and jurisdiction over the subject matter pursuant to NRS 412.256.

4. For jurisdictional issues based on assignment or attachment, each service component shall refer to the current rules and other guidance applicable to the service component, including, without limitation, regulations and policy directives. Before the initiation of any action pursuant to this Code, the judge advocate shall require that the commanding officer resolve any jurisdictional issue regarding assigned or attached personnel involved in the action.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President. Amendment No. 16 to Senate Bill No. 18 removes Sections 49 and 51 of the bill, provisions that broaden the qualifications for the positions of Adjutant General and

Assistant Adjutant General, returning those qualifications to their current status. It also corrects Section 44, the name of the "Nevada Enlisted Association of the National Guard." It also corrects Section 65, a provision regarding what type of retired members of the Nevada National Guard are subject of the Nevada Code of Military Justice.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary.

Amendment No. 5.

"SUMMARY—Revises provisions governing the dissemination by the Central Repository for Nevada Records of Criminal History of information relating to certain offenses. (BDR 14-343)"

"AN ACT relating to criminal records; authorizing the dissemination of certain information concerning the criminal history of prospective and current employees and volunteers who work in positions involving children, elderly persons or persons with disabilities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the dissemination of certain information concerning the criminal history of prospective and current employees who work in positions involving children. (NRS 179A.180-179A.240) This bill expands these provisions: (1) to apply to persons who work in positions involving elderly persons and persons with disabilities; and (2) to authorize the dissemination of such information concerning prospective and current volunteers.

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

Section 1. NRS 179A.180 is hereby amended to read as follows:

179A.180 As used in NRS 179A.180 to 179A.240, inclusive, unless the context otherwise requires:

1. "Elderly person" means a person who is 60 years of age or older.
2. "Employee" means a person who renders time and services to an employer ~~for compensation~~, and whose regular course of duties places that person in a position to:
  - (a) Exercise supervisory or disciplinary control over children ~~or~~, elderly persons or persons with disabilities;
  - (b) Have direct access to or contact with children, elderly persons or persons with disabilities who are served by the employer; or
  - (c) Have access to information or records maintained by the employer relating to identifiable children, elderly persons or persons with disabilities who are served by the employer,
 and includes a prospective employee. ~~but does not include a volunteer or prospective volunteer.~~

~~{2-}~~ 3. "Employer" means a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, whose employees *or volunteers* regularly render services to children, *elderly persons or persons with disabilities*, including without limitation care, treatment, transportation, instruction, companionship, entertainment and custody. *The term includes, without limitation, a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, that licenses or certifies others to render services to children, elderly persons or persons with disabilities.*

4. "Person with a disability" means a person who:

(a) Has a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

5. "Volunteer" means a person who renders time and services to an employer without compensation, and whose regular course of duties place that person in a position to:

(a) Exercise supervisory or disciplinary control over children, elderly persons or persons with disabilities;

(b) Have direct access to or contact with children, elderly persons or persons with disabilities who are served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children, elderly persons or persons with disabilities who are served by the employer,

↪ and includes a prospective volunteer.

Sec. 2. NRS 179A.190 is hereby amended to read as follows:

179A.190 1. Notice of information relating to the offenses listed in subsection 4 may be disseminated to employers pursuant to NRS 179A.180 to 179A.240, inclusive.

2. An employer may consider such a notice of information concerning an employee *or a volunteer* when making a decision to hire, retain, suspend or discharge the employee ~~{-}~~ *or volunteer*, and is not liable in an action alleging discrimination based upon consideration of information obtained pursuant to NRS 179A.180 to 179A.240, inclusive.

3. The provisions of NRS 179A.180 to 179A.240, inclusive, do not limit or restrict any other statute specifically permitting the dissemination or release of information relating to the offenses listed in subsection 4.

4. The offenses for which a notice of information may be disseminated pursuant to subsection 1 includes information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to:

(a) A sexual offense;

(b) A conviction for a felony within the immediately preceding 7 years;

(c) An act committed outside this State that would constitute a sexual offense if committed in this State or a conviction for an act committed outside this State that would constitute a felony if committed in this State; and

(d) The aiding, abetting, attempting or conspiring to engage in any such act in this State or another state.

Sec. 3. NRS 179A.200 is hereby amended to read as follows:

179A.200 1. In addition to any other information which an employer is authorized to request pursuant to this chapter, an employer may request from the Central Repository notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee ~~[-]~~ or a volunteer.

2. A request for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 from an employer must conform to the requirements of the Central Repository. The request must include:

(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee or volunteer is employed or volunteering or is seeking to become employed ~~[-]~~ or to volunteer;

(c) The name, a complete set of fingerprints and other identifying information of the employee ~~[-]~~ or volunteer;

(d) Signed consent by the employee or volunteer authorizing:

(1) The employer to forward the fingerprints of the employee or volunteer to the Central Repository for submission to the Federal Bureau of Investigation for its report;

(2) A search of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ~~[-]~~ or volunteer; and

(3) The release of a notice concerning that information;

(e) The mailing address of the employee or volunteer or a signed waiver of the right of the employee or volunteer to be sent a copy of the information disseminated to the employer as a result of the search of the records of criminal history; and

(f) The signature of the employee or volunteer indicating that the employee or volunteer has been notified: ~~[-]~~

(1) ~~[-]~~ That his or her fingerprints will be used as the basis of a check of his or her records of criminal history;

(2) Of the types of information for which notice is subject to dissemination pursuant to NRS 179A.210, or a description of the information;

~~[-]~~

(3) Of the employer's right to require a check of the records of criminal history as a condition of employment ~~[-]~~ or volunteering; and

~~[-]~~

(4) *Of the employee's or volunteer's* right, pursuant to NRS 179A.150, to challenge the accuracy or sufficiency of any information disseminated to the employer.

Sec. 4. NRS 179A.210 is hereby amended to read as follows:

179A.210 1. Upon receipt of a request from an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190, the Central Repository shall undertake a search for the information, unless the request does not conform to the requirements of the Repository. The search must be based on the fingerprints of the employee ~~or~~ *or volunteer*, or on a number furnished to the employee *or volunteer* for identification pursuant to a previous search, as provided by the employer, and must include:

(a) Identifying any information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee *or volunteer* in the Central Repository;

(b) Requesting information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee *or volunteer* from repositories of the United States or other states, if authorized by federal law or an agreement entered into pursuant to NRS 179A.075;

(c) If the information pertains to an arrest for which no disposition has been reported, contacting appropriate officers in the local jurisdiction where the arrest or prosecution occurred to verify and update the information; and

(d) Determining whether the information relating to the offenses listed in subsection 4 of NRS 179A.190 is the type of information for which notice is subject to dissemination pursuant to this section.

2. Notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 may be disseminated to an employer who has requested it only if a check of the pertinent records indicates:

(a) A conviction for any such offense, or a conviction based on an arrest or on an initial charge for any such offense;

(b) An arrest or an initial charge for a sexual offense that is pending at the time of the request; or

(c) Two or more incidents resulting in arrest or initial charge for a sexual offense that have not resulted in a conviction.

3. If a search of the records of the Central Repository reveals no information for which notice is subject to release, the Central Repository shall submit the fingerprints of the employee *or volunteer* to the Federal Bureau of Investigation for a search of its records of criminal history. The Central Repository shall review all information received from the Federal Bureau of Investigation. Notice of any information received from the Federal Bureau of Investigation may be disseminated only if the information is of a kind for which notice is subject to release pursuant to this section.

4. Within 30 days after receipt of a request by an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190,

the Central Repository shall send a written report of the results of the search to the employer and to the employee  or *volunteer*, except that if the employee or *volunteer* has waived the right to receive the results of the search, the report must be sent only to the employer. If the search revealed:

(a) No information for which notice is subject to release, the report must include a statement to that effect; or

(b) Information about the employee or *volunteer* for which notice is subject to release, the report must include a notice of the type of information, limited to the descriptions set forth in subsection 2, revealed by the search. The notice must not include any further facts or details concerning the information. A statement of the purpose for which the notice is being disseminated, and the procedures by which the employee or *volunteer* might challenge the accuracy and sufficiency of the information, must also be included with the report.

5. Upon receipt of corrected information relating to the offenses listed in subsection 4 of NRS 179A.190 for which notice was disseminated under this section, the Central Repository shall send written notice of the correction to:

(a) The employee or *volunteer* who was the subject of the search, unless the employee or *volunteer* has waived the right to receive such a notice;

(b) All employers to whom notice of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee  or *volunteer*, any other employers who previously received the information.

6. Upon receipt of new information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee or *volunteer* who was the subject of a search within the previous 3 months, for which notice is subject to dissemination under this section, the Central Repository shall send written notice of the information to:

(a) The employee or *volunteer* who was the subject of the search, unless the employee or *volunteer* has waived the right to receive such a notice;

(b) All employers to whom a report of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee  or *volunteer*, any other employers who previously received a report of the results of the search.

Sec. 5. NRS 179A.230 is hereby amended to read as follows:

179A.230 1. A person who is the subject of a request for notice of information pursuant to NRS 179A.180 to 179A.240, inclusive, may recover actual damages in a civil action against:

(a) The Central Repository for an intentional or grossly negligent:

(1) Dissemination of information relating to the offenses listed in subsection 4 of NRS 179A.190 not authorized for dissemination; or

(2) Release of information relating to the offenses listed in subsection 4 of NRS 179A.190 to a person not authorized to receive the information;

(b) The Central Repository for an intentional or grossly negligent failure to correct any notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 which was disseminated pursuant to NRS 179A.180 to 179A.240, inclusive; or

(c) An employer, representative of an employer or employee for an intentional or grossly negligent violation of NRS 179A.110. Punitive damages may be awarded against an employer, representative of an employer or employee whose violation of NRS 179A.110 is malicious.

2. An employer is liable to a child, *elderly person or person with a disability* served by the employer for damages suffered by the child, *elderly person or person with a disability* as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child, *elderly person or person with a disability* by an employee *or volunteer* if, at the time the employer hired the employee ~~[-] or volunteer~~, the employee *or volunteer* was the subject of information relating to the offenses for which notice was available for dissemination to the employer and the employer:

(a) Failed, without good cause, to request notice of the information pursuant to NRS 179A.180 to 179A.240, inclusive; or

(b) Was unable to obtain the information because the employee *or volunteer* refused to consent to the search and release of the information, and the employer hired or retained the employee *or volunteer* despite this refusal.

↳ The amount of damages for which an employer is liable pursuant to this subsection must be reduced by the amount of damages recovered by the child, *elderly person or person with a disability* in an action against the employee *or volunteer* for damages sustained as a result of an offense listed in subsection 4 of NRS 179A.190.

3. An action pursuant to this section must be brought within 3 years after:

(a) The occurrence upon which the action is based; or

(b) The date upon which the party bringing the action became aware or reasonably should have become aware of the occurrence, whichever was earlier, if the party was not aware of the occurrence at the time of the occurrence.

4. This section does not limit or affect any other rights, claims or causes of action arising by statute or common law.

Sec. 6. ~~[This act becomes effective on July 1, 2013.] (Deleted by amendment.)~~

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 5 to Senate Bill No. 38 revises the effective date of the bill from July 1, 2013, to October 1, 2013. This change provides time for the Federal Bureau of Investigation to review the language of the bill for approval, and it provides time for the Records Division of the Department of Public Safety to update data systems, as needed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy.

Amendment No. 7.

"SUMMARY—Revises provisions relating to medical laboratories. (BDR 54-314)"

"AN ACT relating to medical laboratories; revising provisions governing the application for the licensing of a medical laboratory; revising the requirements to qualify for certification as an assistant in a medical laboratory; increasing the maximum amount of administrative penalties that may be imposed for violations of provisions governing medical laboratories; making various other changes relating to medical laboratories; requiring the State Board of Health to adopt certain regulations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, an application for the licensing of a medical laboratory is required to be made under oath on a form prescribed by the Health Division of the Department of Health and Human Services and must contain certain other information. (NRS 652.090) Section 1 of this bill eliminates the requirement that applications for the licensing of a medical laboratory be made under oath and adds the requirement that these applications include the proof of identity of the laboratory director.

Under existing law, to qualify for certification as an assistant in a medical laboratory, a person is required to be a high school graduate or have a general equivalency diploma and is required to either complete 6 months of approved training and demonstrate an ability to perform laboratory procedures or complete a course of instruction that qualifies him or her to take and pass an examination for certification in phlebotomy. (NRS 652.127) Section 3 of this bill instead requires that, to qualify for certification as an assistant in a medical laboratory, a person must meet the qualifications established by regulations adopted by the State Board of Health.

Existing law authorizes certain licensed medical professionals to perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations. Sections 4 and 5 of this bill clarify that those licensed medical professionals may perform such waived tests without obtaining certification as an assistant in a medical laboratory.

Under existing law, any person or laboratory violating any of the provisions governing medical laboratories is required to pay a fine ranging from \$250 to \$500 for each violation. (NRS 652.260) Section 6 of this bill authorizes the Health Division to impose an administrative penalty not to



exceed \$10,000 for each violation and provides criteria for determining the amount of the administrative penalty to be imposed for a violation. Section 6 also authorizes the Health Division to require any person or medical laboratory that violates the provisions governing medical laboratories to take any action necessary to correct the violation.

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

Section 1. NRS 652.090 is hereby amended to read as follows:

652.090 *1.* An application for a license must be ~~made under oath~~ on a form prescribed by the Health Division and must contain the following information:

- ~~{1.}~~ (a) The name and location of the laboratory;
- ~~{2.}~~ (b) The name *and proof of identity* of the laboratory director;
- ~~{3.}~~ (c) The name of the owner or owners of the laboratory or, if a corporation, the names of the officers, directors and beneficial owners of 10 percent or more of its shares;
- ~~{4.}~~ (d) A description of the program and services provided by the laboratory; and
- ~~{5.}~~ (e) Such other information as the Health Division may deem necessary or expedient to carry out its powers and duties under this chapter.

*2. The Board shall adopt regulations to carry out the provisions of subsection 1, including, without limitation, regulations setting forth the acceptable forms of proof of identity that a laboratory director must include in an application pursuant to paragraph (b) of subsection 1.*

Sec. 2. NRS 652.123 is hereby amended to read as follows:

652.123 Regulations adopted by the Board pursuant to this chapter may not be more stringent than the provisions of Part 493 of Title 42 of the Code of Federal Regulations, except that the Board may adopt regulations which are more stringent relating to:

- 1. Any laboratory test, other than a test for the detection of the human immunodeficiency virus, classified as a waived test pursuant to the provisions of Part 493 of Title 42 of the Code of Federal Regulations; ~~and~~
- 2. The qualifications and duties of the personnel of a medical laboratory ~~{};~~ *and*
- 3. *The administrative penalties that may be imposed for violating any of the provisions of this chapter or regulations adopted pursuant thereto.*

Sec. 3. NRS 652.127 is hereby amended to read as follows:

652.127 *1.* To qualify for certification as an assistant in a medical laboratory, a person must ~~be a high school graduate or have a general equivalency diploma and:~~

- ~~1. Must complete at least 6 months of training approved by the Board and demonstrate an ability to perform laboratory procedures in the medical laboratory where he or she receives the training; or~~
- ~~2. Must:~~

~~(a) Complete a course of instruction that qualifies him or her to take an examination for certification in phlebotomy that is administered by:~~

- ~~(1) The American Medical Technologists;~~
- ~~(2) The American Society of Clinical Pathologists; or~~
- ~~(3) The National Certification Agency; and~~

~~(b) Pass an examination specified in paragraph (a).] meet the qualifications established by the Board by regulation.~~

2. *The Board shall adopt such regulations as necessary to carry out the provisions of this section.*

Sec. 4. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens. *The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.*

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 5. NRS 652.217 is hereby amended to read as follows:

652.217 1. A licensed nurse who is employed by a medical facility which is licensed pursuant to chapter 449 of NRS may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations if the laboratory director or a person designated by the laboratory director:

- (a) Verifies that the nurse is competent to perform the test;
- (b) Ensures that the test is performed in accordance with any manufacturer's instructions; and
- (c) Validates and verifies the manner in which the test is performed through the use of controls which ensure accurate and reliable results of the test.

2. *A licensed nurse described in subsection 1 may perform any laboratory test which is classified a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.*

3. Licensed or certified personnel of a laboratory licensed pursuant to this chapter may perform any laboratory test which is classified as a waived

test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations on the premises of an outpatient center of the laboratory or at a patient's residence if the laboratory director or a person designated by the laboratory director:

- (a) Verifies that the person is competent to perform the test;
- (b) Ensures that the test is performed in accordance with any manufacturer's instructions;
- (c) Validates and verifies the manner in which the test is performed through the use of controls which ensure accurate and reliable results of the test; and
- (d) Ensures compliance with any requirements for safety adopted by the Board.

Sec. 6. NRS 652.260 is hereby amended to read as follows:

652.260 ~~[Any]~~

1. ~~If a person or laboratory [violating] violates any of the provisions of this chapter [shall be punished by a fine] or the regulations adopted pursuant thereto, the Health Division may, after giving notice and opportunity to be heard:~~

~~(a) Impose an administrative penalty of not more than [ \$250 for the first offense and not more than \$500 for any subsequent offense. ] \$10,000; and~~

~~(b) Require the person or laboratory to take any action necessary to correct the violation.~~

2. Each act in violation of this chapter or the regulations adopted pursuant thereto constitutes a separate offense.

3. In determining the amount of an administrative penalty to be imposed pursuant to this section, the Health Division shall consider:

(a) The severity of the violation, including, without limitation:

(1) The probability that death or serious harm to the health or safety of a person may occur as a result of the violation;

(2) The severity of the potential or actual harm that may occur to any person as a result of the violation; and

(3) The extent to which the provisions of this chapter or the regulations adopted pursuant thereto were violated;

(b) Whether the person or laboratory has previously violated the provisions of this chapter or the regulations adopted pursuant thereto; and

(c) Any other facts or circumstances that the Health Division determines are relevant.

4. If the person or laboratory fails to pay the administrative penalty imposed pursuant to this section after the time for an appeal has expired, the Health Division may:

(a) Suspend the license of the person or laboratory;

(b) Impose interest on the unpaid administrative penalty at a rate of 10 percent from the date on which the time for an appeal expired until the date the administrative penalty is paid; and

*(c) Collect court costs, reasonable attorney's fees, the costs of an investigation and other costs incurred to collect the administrative penalty.*

5. *Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.*

6. *The money collected from such administrative penalties may be accounted for separately and used by the Health Division to administer and carry out the provisions of this chapter and to protect the health, safety and well-being of patients in accordance with applicable state and federal standards if:*

*(a) The person or laboratory pays the administrative penalty without exercising the right to a hearing to contest the penalty; or*

*(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Health Division.*

7. *The Health Division may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Health Division to conduct hearings, determine violations and impose the administrative penalties authorized by this section.*

8. *If money collected from an administrative penalty is deposited in the State General Fund, the Health Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay court costs, attorney's fees, the costs of an investigation or other costs incurred to collect the administrative penalty.*

9. *The Board may adopt regulations to carry out the provisions of this section.*

Sec. 7. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, emergency medical technician or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction ~~[described in subsection 2 of NRS 652.127;]~~ that qualifies him or her to take

*an examination in phlebotomy that is administered by the American Medical Technologists ~~+~~ or the American Society ~~+~~ for Clinical ~~Pathologists or the National Certification Agency for Medical Laboratory Personnel;~~ Pathology;* and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 8. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, emergency medical technician or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction ~~[described in subsection 2 of NRS 652.127;]~~ *that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists ~~+~~ or the American Society ~~+~~ for Clinical ~~Pathologists or the National Certification Agency for Medical Laboratory Personnel;~~ Pathology;* and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 9. The amendatory provisions of section 3 of this act do not apply to a person who has obtained certification as an assistant in a medical laboratory before January 1, 2014.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 7 to Senate Bill No. 40 makes one change to Senate Bill 40: it deletes the “National Certification Agency for Medical Laboratory Personnel,” and replaces it with the “American Society for Clinical Pathologists.” The National Certification Agency for Medical Laboratory Personnel merged with the American Society for Clinical Pathologists in 2009; this amendment makes that name change.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 279.

Bill read second time and ordered to third reading.

Senate Bill No. 351.

Bill read second time and ordered to third reading.

Senate Bill No. 354.

Bill read second time and ordered to third reading.

Senator Smith moved that Senate Bill No. 354 be taken from the General File and be re-referred to the Committee on Finance.

Remarks by Senator Smith.

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

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 20.

Bill read third time.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Senate Bill No. 20 makes various changes concerning the State Publications Distribution Center. The measure reduces from 12 issues to 10 the number of publications an agency of State or local government must provide to the Center. Certain local government records already scheduled for disposition under local government records retention statutes are excluded. This measure also authorizes such agencies to submit electronic versions of these documents instead of paper copies. The bill revises provisions concerning the release of documents in an electronic format by State and local government entities, requiring the submittal of an electronic version instead of notice of access to such documents. Finally, the measure establishes requirements for the submission of documents in an electronic format to the Center.

Roll call on Senate Bill No. 20:

YEAS—21.

NAYS—None.

Senate Bill No. 20 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 97.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 97 clarifies the address for a child who is in need or who has been alleged of being in need of protection. It also provides the child and his or her potential adoptive parents the right, not just an opportunity, to be at a semi-annual or annual court proceeding. It makes sure we mention the best interest of the child, as well as allows a child who is 16 years of age to be involved in a transition period to grow up.

Roll call on Senate Bill No. 97:

YEAS—21.

NAYS—None.

Senate Bill No. 97 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Senate Bill No. 100 revises the terms referring to three types of trained and certified emergency medical technicians for consistency with the terms used in the *National Emergency Medical Services Education Standards* released by the National Highway Traffic Safety Administration in 2009. The measure replaces the term “intermediate emergency medical technician” with “advanced emergency medical technician” and replaces the term “advanced emergency medical technician” with “paramedic.” Finally, the measure provides that any person who holds a certificate as one of these three types of technicians on December 31, 2013, is exempt from the new training requirements through December 31, 2015. Senate Bill No. 100 grandfathers in the current people, giving them two more years to meet the requirements.

Roll call on Senate Bill No. 100:

YEAS—21.

NAYS—None.

Senate Bill No. 100 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 159.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Every year, more than a million visitors tour Red Rock National Conservation Area. Red Rock Canyon boasts miles of trails, horseback riding, petroglyphs and many sensitive species including the Blue Diamond Cholla. In 2001, a developer purchased

lands that are adjacent to Red Rock and announced plans to build more than 5,000 homes. That set off a battle that has lasted 12 years now.

In 2003, former Senator Dina Titus pressed legislation to limit the development of lands adjacent to Red Rock. Clark County followed suit with similar limiting ordinance. These measures were challenged in court; the battle continuing in the federal courts, the Nevada Supreme Court and the Clark County Commission. After more than a decade of fighting, all parties have agreed to lay down their arms and work together toward permanent protection for lands surrounding Red Rock by supporting a Bureau of Land Management land swap for the developer's land. Clark County has recently expressed its support for a land swap to facilitate permanent protection for lands near Red Rock.

Senate Bill No. 159 expresses the Nevada Legislature's strong support for permanent protection of lands near Red Rock and calls on the Bureau of Land Management and our U.S. Congressional Delegation to move forward quickly with the swap. This bill has support from environmentalists and developers, Democrats and Republicans. I urge your support.

Roll call on Senate Bill No. 159:

YEAS—21.

NAYS—None.

Senate Bill No. 159 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 393.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President. Senate Bill No. 393 revises provisions governing the procedure for filling a vacancy in a major political party nomination. Existing procedures for filling a vacancy that occurs after the primary election and before the fourth Friday in June of an election year apply only if the vacancy occurs because the nominee dies or is adjudicated mentally incompetent. If the vacancy occurs for any other reason, the nominee's name must remain on the ballot for the general election. If such a nominee is subsequently elected, a vacancy in office will exist, which will be filled pursuant to law.

In a nutshell, if someone leaves an election for any reason other than dying or being declared mentally incompetent, that name will stay on the ballot. We had an occasion during the last election cycle where a candidate moved from the State after the primary election and that candidate was allowed to be replaced because the law was ambiguous. That potential sets up actions we may not want to see in an election cycle. Senate Bill No. 393 clarifies how the procedures should be handled if a candidate leaves the State for reasons other than death or mental incompetence. Thank you, and I urge your support.

Roll call on Senate Bill No. 393:

YEAS—21.

NAYS—None.

Senate Bill No. 393 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that the Senate recess until 5:15 p.m.

Motion carried.

Senate in recess at 11:47 a.m.



## SENATE IN SESSION

At 5:50 p.m.

President Krolicki presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywoman Bustamante Adams and Assemblyman Paul Anderson were at the bar of the Senate. Assemblywoman Bustamante Adams invited the Senate to meet in Joint Session with the Assembly to hear Representative Dina Titus.

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

Senate in recess at 5:51 p.m.

## IN JOINT SESSION

At 5:54 p.m.

President Krolicki presiding.

The Secretary of the Senate called the Senate roll.

All present except for Senator Kieckhefer, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except for Assemblywoman Benitez-Thompson, Assemblymen Duncan and Munford, with one vacancy.

The President appointed a Committee on Escort consisting of Senator Parks and Assemblyman Daly to wait upon the Honorable Representative Dina Titus and escort her to the Assembly Chamber.

Representative Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA  
SEVENTY-SEVENTH SESSION, 2013

Thank you very much. Madam Speaker, Chamber leaders, Governor. Governor Sandoval, thank you for hosting us earlier at Nevada's first Holocaust memorial service. We should give the Governor a round of applause.

Distinguished guests, one and all. Thank you so much for allowing me to come and address you this evening. I know how valuable your time is, how very busy you have been and will continue to be for the next couple of months.

I also appreciate the fact that some of you are on your way to Reno to help with a fundraiser for the Humane Society. This is a cause very dear to my heart. Former Senator Townsend and I worked on a lot of animal protection issues; I thank Senator Manendo for carrying that on with your horse tripping bills. Thank you very much.

I have been following your work lately with both admiration and interest. Just in the last few weeks you have dealt with an unprecedented personnel matter, you have voted to tax an industry that has been protected since it wrote the State Constitution, you have moved toward repealing the Nevada version of the Defense of Marriage Act and you have visited a marijuana market with "really good buds."

Madam Speaker, when you said this was not going to be business as usual this Session, you really meant it. You have my admiration for all that you are up to and thank you for that.

I cut my political teeth in this building. I learned a lot about Nevada—its great resources and its many challenges. I made some lifelong friends: Assemblywoman Maggie Carlton, you're one

of them; Marlene Lockhard and Don Williams, just to name a few. I hope I did some good for the people of Nevada. I miss the old timers who are no longer with us. That is especially the case with former Senators Jack Vergiels and Bill Raggio.

It is very exciting to look out at all of the new faces. The faces of this legislature are the faces of diversity; they are the faces of Nevada. I congratulate all of you for being here.

Speaking of diversity, that is one of the really exciting things about representing District 1 in Southern Nevada. It's the most diverse district in the whole State. We have the Hispanic east side and the Asian west side; it's home to the Armenian and Greek churches, the Ethiopian cab drivers, Buddhist temples, Indian markets and Irish pubs. International food festivals are going to be the death of me before this is over. African Americans make up 10 percent of the population and the Las Vegas Paiute Tribe's reservation is located in District 1.

I am also honored to tell you that I serve in the most diverse Congress in history. Just among the women Democrats alone, we have great diversity. We have the first Hindu Congresswoman, Tulsi Gabbard of Hawaii. We have a Thai-American veteran who lost both of her legs in Iraq, Tammy Duckworth of Illinois. We have a bisexual former state Legislator from Arizona, Krysten Sinema. And we have an African-American Harvard-educated lawyer from Alabama, Terri Sewell. Now that's diversity to be proud of and I am honored to be part of that group.

The last time I came before you, four years ago in 2009, our State faced unprecedented challenges: unemployment was at a record high, and the worst in the country, along with our foreclosure rate. We saw our friends, neighbors and family members have to close their businesses, lose their jobs and have their homes taken out from under them. Construction projects were closing down and disappearing overnight. Tourism and gaming revenues were struggling.

Thanks to the hard work and determination of the Nevada people, much progress has been made since that time. Unemployment fell for the 18th straight month in February. Las Vegas welcomed a record number of visitors in 2012 and gaming revenues increased over two percent from the previous year.

Nevada's export business is also expanding, thanks in large part to the Governor's international trade initiatives. Housing values are now going up and in District 1 and there are some very exciting new commercial projects coming online that will create jobs and further boost our economy. We've got our entrepreneurial spirit back.

Downtown Las Vegas is undergoing an incredible revitalization that epitomizes the best of public-private partnerships. Mayor Carolyn Goodman and Zappos' Tony Hsieh are turning downtown into a new hip area; it's attracting small businesses, high tech companies and real estate investors. For example, in one day, downtown, you can have lunch at Eat, shop at the Container Park, buy fresh produce at the Downtown 3rd Farmers Market, get a drink on the mobile Cycle Pub, hear a lecture at the Construction Zone and walk your pet at the dog park on Fremont at Eighth. And there is a lot more on the way. Nearby in the Arts District, you can enjoy a performance at the fabulous Smith Center or take your family to the new Discovery Children's Museum. You can visit the many small art galleries or you can participate in what's called The Color Run. It's exciting.

On the Strip, a lot of things are also going on in District 1. We find SLS Design remodeling the old Sahara into a boutique hotel with a known brand that will attract a new demographic of tourist. The Genting Group is developing Resorts World, a major city center-like project on the Strip that will attract Asian businesses and tourists. The MGM is building a 20,000-seat arena and Caesar's will soon complete its Linq project with new retail and an observation wheel, or Ferris wheel. It's going to be a nice addition.

These projects welcome jobs; they bring good jobs that our construction and hospitality industries so badly need. In addition to that, lots of family-owned and operated small businesses are popping up all over the heart of the Las Vegas Valley. We have Viva Las Arepas, the World of Feng Shui and the Stitch Factory. If it's happening in Nevada, it's very likely happening in District 1.

I am proud to brag about the recovery—we are slowly moving in the right direction. While we're bragging, we have to remember we still have a long way to go. It's a given that everyone benefits when the economy is growing. We must ensure that this growth continues with policies that are reasonable, fair and balanced.

We must reform our tax code and adopt a budget that is not just an accounting tool, but is a reflection of our Nation's priorities. We should not spend hard-earned taxpayers' money on programs we don't need, but instead we should keep promises to, and create opportunities for, the most vulnerable in our communities.

For example, I agree that we don't need funding to build a robot squirrel to see how it interacts with rattlesnakes. But we must feed our children. Hungry children cannot learn; educated children can achieve their potential and unfilled promise results in a Nation that falls behind. Likewise, it is true that we don't need to fund a NASA study of menu options for trips to Mars. But we must protect Social Security and Medicare for our seniors. While we can surely do without research on whether or not stressed out birds make good parents, we must invigorate our manufacturing sector because if you make it in America, you can make it in America.

The good news is we have some very exciting options to choose from. We are at a crossroads in this State and in this Nation. I truly believe if elected officials work together to find creative solutions to our problems, this country can become greater than ever in the course of the next decade. Let's don't blow this opportunity; let's take advantage of what is out there. To begin with, we have to make smart investments: in people, in energy and in transportation infrastructure.

First, let's invest in our people as they are our greatest resource. We must provide a quality education for all children, strengthen our schools and commit to preparing our students for the jobs of the future. Toward this end, we must fund Head Start and Pell Grants, we must promote learning in science, technology, engineering and mathematics and we must find a way to help professional students pay off their loans by working in underdeveloped communities. Second, we must also pass the DREAM Act. This has to be not only an education goal but part of comprehensive immigration reform. We need to further revise the visa program so we don't educate the best and brightest and then make them leave. We want the next Microsoft and the next Google to be developed right here in the United States, not somewhere far away. Third, we need to invest in people in more ways than just education and immigration, but we have to do everything we possibly can to help our brave servicemen and women and their families who sacrifice so much so we can protect our democratic way of life.

As ranking member of the Veterans Subcommittee on Disability Benefits, I am committed first and foremost to reducing the backlog of claims. All veterans comment on the backlog of filing for benefits. Do you know that right now the average length of time a veteran has to wait to get his application processed is 485 days? That is not acceptable. Neither should any veteran be homeless or in need of a job.

Besides investing in people, let's also invest in renewable energy. I commend the Legislature for all the work that has been done to encourage the development of wind, solar, geothermal and biomass sources which in turn create good jobs for Nevada. As a result of your work, we are on the cutting edge, nationwide, with some of the policies you have enacted. There are exciting programs being developed all around the State which put us on the path to becoming a world leader in production and distribution of green energy. I pledge that I will continue to work with you at the federal level on these issues by supporting energy tax credits, low-interest loans and funding for State energy offices. You can count on that.

Our third investment is in transportation infrastructure. I am proud to serve on the Transportation Committee. Because Nevada's economy depends on moving people and products in ways that are quicker, friendlier, easier and cheaper—from tourists to lobsters—we import almost everything in this State. We need to have a twenty-first century transportation infrastructure system to make it all work and keep it all moving. The longer we wait, the further we fall behind.

I say go big or go home. That's my motto and that's my recommendation.

Let's build Interstate 11 between Phoenix and Las Vegas. Let's deploy NextGen which is a program that will increase safety for the flying public, decrease the cost of fuel and help airlines become more efficient. Let's increase the funding for the Transportation Infrastructure Finance and Innovation Act programs and Water Infrastructure Finance and Innovation Act programs. This is the first step toward creating an infrastructure bank, another public-private partnership the President has talked about.

It's great to speed up the visa process but let's open up the visa waiver system. Let's invite more tourists from Brazil, Israel, India and China—middle class folks with money in their

pockets who want to come to Nevada for a holiday. Let's make Reno and Las Vegas multi-modal inland ports so we can facilitate the flow of people and goods from the Pacific Rim and from South America. Go big or go home.

In addition to investing wisely, Nevada has to get its fair share of federal dollars. I know you have heard a lot about getting more money through better grant applications; many of the State and local governments are doing a good job at being more aggressive with this, which is great. But let's also think outside the box for other sources of revenue from the federal government. For example, we have to fight against federal efforts to take our Southern Nevada Public Land Management Act money. These are critical funds that take care of Lake Tahoe, they protect other water sources, they build bike paths and hiking trails and create clean environment programs. We cannot let the federal government take that Nevada money.

Let's go after all, or at least some, of the so-called "handle tax." Sports books pay 0.25 percent to the federal government on every wager placed. Since more gambling on sports events takes place in Nevada than anywhere else, we pay the lion's share of that money contributing \$8.7 million in 2012. This tax was originally developed at the federal level to go after illegal sports betting and book makers. Now this money goes into the Internal Revenue Service General Fund to be used on programs with no nexus to gaming. There is no separate accounting; that's our money. We ought to go get it and bring it back.

You can see these proposals I have mentioned are not partisan issues, they are not ideological issues and they are not blue or red issues—they are Nevada issues. We in Congress can and should work together for the good of the State. I commend you for doing just that in Carson City. You are very good at working across the aisle, working across the Houses and working across the lawn with the Governor. Thank you for doing that. You set an example for the rest of us that we should follow in Washington, D.C.

It's a good thing that the members of the Nevada House Delegation have worked together before. We have all served along with Senator Heller as members of this Body. We know each other, we have worked together and we have put aside party affiliations in the past to get things done. I am confident that back in Washington, with U.S. Senator Harry Reid at the helm, and all of you guarding our flank, we can continue to do just that and move Nevada forward.

Again, let me thank you for your attention and your courtesy. I appreciate being here very much. I look forward to continuing to work with you. I hope you'll let me return the hospitality; come see me in the exciting District 1 or back in Washington, D.C. The latch string is always out.

Thank you very much.

Assemblyman Healey moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Representative Titus from the bar of the Assembly.

Senator Cegavske moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 6:20 p.m.

#### SENATE IN SESSION

At 6:22 p.m.

President Krolicki presiding.

Quorum present.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Assembly Joint Resolution No. 6.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to the students, chaperones, counselors and teachers from Dilworth STEM Academy, students: Giselle Abad Robles, Luis Ambrocio Contreras, Christian Badillo, Alberto Barajas-Hernandez, Gerardo Fernando Batalla, Gage Bennett, Siara Cairns, Rosa Camarena Cervantes, Leo Camarena Nunez, Miguel Campana Chavez, Carlos Castro, Luis Cervantes Garcia, Alfredo Chavez Chavez, Makenzie Cherti, Camron Colbert, Carson Conant, Kayla Cortez, Alexia Cruz, Arianna Estrada Jasso, Kelsey Flores-Zaragoza, Eduard Fonseca Garcia, Stephanie Fregoso, Jeffery Friedmann, Angela Galvez Arceo, William Garibaldo, Brandon Garcia, Oscar Garcia, Daniela Garcia Gregorio, Samantha Gijon, Daisy Gil, Miguel Gonzalez, Adolfo Gonzalez Falcon, Megan Gresham, Alvaro Guevara Bilbao, Daisy Guzman, Gysel Hernandez, Roberto Hernandez Jr., Elizabeth Henriquez, Aracely Hinojosa, Victor Horta Monrroy, Moses Ibarra, Evelyn Izquierdo Oregel, Aubrey Jensen, Alesah Jim, Cheyenne Johnson, Marc Kluge, Haley Kraus, Weston Kuehn, Theresa Lopez, James Lopez-Hernandez, Keara Lowry, Morell Luke, James Anthony Magpantay, Alison Maldonado, Montana Marsh, Luis Martinez, Benito Martinez Deras, Alejandro Martinez Hernandez, Cristian Martinez Gonzalez, Syann Mateo, Fiona McCloskey, Jennifer Medina Caldera, Teresita Meno Ignacio, Michelle Mejia Romero, Adam Moore, Tyrese Moore, Briana Mosqueda Sandoval, Bryan Munoz, Lolo Nau, Katy Navarro Lopez, Pedro Navarro Olivarez, Amaya Newton, Saul Oaxaca, Stephanie Olivares, Brandon Paz Grajeda, Jessica Perez, Jose Perez, Odalis Perez Duenez, Priya Prasad, Jasmine Radigan, Jose Ramirez Alvarez, Jorge Ramos, Neftali Rea Aguilar, Tanaya Roberts, Nayeli Rodriguez, Citlalli Sanchez, Vivian Sanchez, Omar Silva Ramos, Rocio Sandoval Ornelas, Maureen Santillan, Uriel Senda, Digvijay Singh, Jeremy Smith, Brenden Susanno, Evan Terry, Chelsea Thierry, April Tovar-Barajas, Jade Trevino, Jan Miles Trinidad, Kelvorius Turner, Alejandro Valencia Sanchez, Saul Valladares, Nikolas Vanloo, Christopher Vaughan Julian Villicana, Bianca Yanez-Flores, Monique Zamora, Madison Zucco; chaperones: Roy Ford, Maricella Ibarra, Laura Hinojosa, Prakashni Patel, Xiomara Sandoval, Nev Trevino; counselors: Jo Ella Barrie, Naomi McColl; teachers: Steven Felsing and Warren Zinser.

Senator Denis moved that the Senate adjourn until Tuesday, April 9, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 6:23 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*