

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 30, 2013

Senate called to order at 11:29 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Joel Ferguson.

Good morning. Thank you for the opportunity. Mr. President, your comment at the end of my prayer yesterday reminded me of the humanity of all who are gathered in the Senate today. Rather than offer you flowery words of praise and hope, I will seek to demystify Buddhism a little bit.

I pray that you are all doing just fine adjusting to your new positions as Nevada Senators. Perhaps though, some of you may be struggling to get comfortable with your new responsibilities. Buddhism came into existence to eliminate human suffering.

Buddhism teaches the concept of the Ten Worlds, or ten states of being, from which all people experience life. The first six of these conditions: hell, hunger, animality, anger, tranquility and rapture are called the Lower Worlds or evil paths because they lead to greed, arrogance and foolishness, which cause unhappiness. In those states we are only focused on our own wants and needs.

The four higher conditions: learning, realization, altruism and enlightenment are called the Four Noble Worlds because in those worlds we are just as concerned about helping others as we are ourselves, which brings about happiness for everyone. Most of us bounce around in hell, hunger, animality and anger because we are at the mercy of the negativity of our environment. Some of us get to tranquility or rapture but are usually dragged back down.

If you combine this with the other Buddhist concept that everything is based on cause and effect, then when we are in the lower life conditions we make decisions which bring about our own displeasure and we have difficulty getting along with others so nothing turns out right. Life is therefore unsatisfying. This is how we create negative karma. However, when we make decisions from our higher life conditions, our actions reflect the spirit of cooperation, compassion and concern, which makes everyone happy. Thus, life is more satisfying. When we are willing to break the hard shell of our lesser self to reveal our true enlightened nature, our greater self is able to emerge, and our own personal experience of our life, our job, our relationships and our mission becomes one of joy and our frustrations dissipate. This is how we create good karma.

Admittedly, it is difficult to muster the spirit of compassion or cooperation with someone who just wants to fight with us. The way we Buddhists get to that higher state is by saying the phrase *Nam-Myoho-Renge-Kyo* over and over. As we end our prayer please join me again in reciting the title of the *Lotus Sutra* three times. I know you'll get it right by the end of this week. Here we go: *Nam-Myoho-Renge-Kyo, Nam-Myoho-Renge-Kyo, Nam-Myoho-Renge-Kyo.*

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 Finance, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Denis, Roberson; Assemblymen Kirkpatrick, Hickey and Horne:

Senate Concurrent Resolution No. 7—Expressing the determination of the Nevada Legislature that Nevada is the optimal location for unmanned aircraft system development and testing.

WHEREAS, The State of Nevada has a long and distinguished history of directly contributing to the national security and defense of the United States of America; and

WHEREAS, This State is indebted to the dedicated and selfless men and women assigned to Fallon Naval Air Station, Creech Air Force Base, Nellis Air Force Base and auxiliary fields, and the Reserve and National Guard units across the State; and

WHEREAS, The State of Nevada's military operations have attracted the aerospace, defense and national security industry to Nevada, and have led to increased technological advances and important supporting relationships with our universities, research laboratories and technical colleges; and

WHEREAS, National security and defense sectors are increasingly important to Nevada's economy, as they provide and support approximately 190,000 jobs and generate more than \$18 billion in revenue; and

WHEREAS, The aforesaid economic impact of military operations would not have been possible without the past and continuing congressional, state and local support; and

WHEREAS, Our military investments, military expertise, technically trained workforce and geographic and climatic diversity have positioned the State of Nevada well to retain its military operations and compete for next-generation technology projects; and

WHEREAS, Remotely piloted aircraft, cyberspace and intelligence, surveillance and reconnaissance mission areas will be high-priority areas of defense and national security budgets; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 77th Session of the Nevada Legislature hereby endorse the promotion of efforts to support the establishment of Nevada as the "Silicon Valley" of unmanned aircraft systems education, testing, research and manufacture; and be it further

RESOLVED, That:

1. As military spending continues to be downsized in the foreseeable future, the State of Nevada must look to find ways to sustain and expand its direct support of the national security and defense sectors;

2. This State should specifically leverage its Congressional and State Leadership, current military expertise, technical workforce, geographical, climate diversity and vast aerospace to provide a concerted effort to aggressively pursue the high-priority requirements of the United States Department of Defense and the Federal Aviation Administration;

3. The State of Nevada must compete to be selected as one or more of the six national test ranges under the 2012 National Defense Authorization Act that directs the Federal Aviation Administration in coordination with the United States Department of Defense, and the National Aeronautics and Space Administration to determine how to safely operate unmanned aircraft systems in shared national airspace; and

4. The creation of these test ranges will mark the first step in what will undoubtedly be a long-range process, leading to a common-day occurrence in which manned and unmanned aircraft fly safely and seamlessly together in the national airspace; and be it further

RESOLVED, That Nevada is an optimal location for unmanned aircraft system development and testing, and would be honored to be one of the sites selected for such testing and development.

Senator Denis moved the adoption of the resolution.

Remarks by Senator Denis.

Thank you, Mr. President. Senate Concurrent Resolution No. 7 concerns unmanned aircraft systems, also known as drones. In accordance with the 2012 National Defense Authorization Act, the Federal Aviation Administration, in coordination with the United States Department of Defense and the National Aeronautics and Space Administration, will determine how to safely operate unmanned aircraft systems in shared national airspace. Six national sites for the development and testing of these systems will be chosen for what will be a long process culminating in a common-day occurrence in which manned and unmanned aircraft fly safely and seamlessly together in the national airspace.

Given our State's military investments, military expertise, technically-trained workforce and geographic and climatic diversity, Nevada is well positioned to be one of the six development and testing sites. Having one of these sites in Nevada would result in a significant economic benefit for our State while at the same time, it would allow us to participate in a complex project of notable national significance.

Senate Concurrent Resolution No. 7 asserts that Nevada is an optimal location for this type of testing and development and expresses that it would be an honor for our State to contribute to this important undertaking. With that, I urge your support of Senate Concurrent Resolution No. 7.

Resolution adopted.

Motion carried.

Senator Denis moved that all necessary rules be suspended, and that Senate Concurrent Resolution No. 7 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 115.

Bill read second time and ordered to third reading.

Assembly Bill No. 127.

Bill read second time and ordered to third reading.

Assembly Bill No. 192.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 175 allows an overseas voter, and a uniformed-service voter and his or her spouse and dependents, to sign documents for voter registration, balloting and other voting related documents, using a digital or electronic signature. The Secretary of State shall adopt regulations setting forth the duties of local elections officials upon receipt of military-overseas ballots. This bill is effective upon passage and approval for the purpose of adopting regulations, and on January 1, 2014, for all other purposes. According to testimony, the bill further implements provisions of the Uniformed Military and Overseas Absentee Voters Act enacted in the 2011 Session and codified in Chapter 293D of *Nevada Revised Statutes*.

Roll call on Assembly Bill No. 175:

YEAS—21.

NAYS—None.

Assembly Bill No. 175 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:41 a.m.

SENATE IN SESSION

At 11:45 a.m.

President Krolicki presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 510.

The following Assembly amendment was read:

Amendment No. 587.

"SUMMARY—Temporarily delays the statutory deadline for notifying certain school district employees of reemployment status. (BDR S-1207)"

"AN ACT relating to education; temporarily delaying the statutory deadline for notifying certain school district employees of reemployment status for the 2013-2014 year; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to notify, on or before May 1 of each year, the postprobationary and probationary employees who are employed by the board of trustees of the reemployment status of those employees for the next school year. Existing law also requires those employees to notify the board of trustees, on or before May 10, of the acceptance of such reemployment. (NRS 391.3196, 391.3197) This bill extends those dates to May 15 and 28, 2013, respectively, for the current fiscal year ~~for~~ in counties whose population is less than 700,000 (currently all counties other than Clark County).

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

Section 1. 1. ~~Notwithstanding~~ Except as otherwise provided in subsection 2:

(a) Notwithstanding the provisions of NRS 391.3196 or any other statute to the contrary, on or before May 15, 2013, the board of trustees of each school district shall notify the postprobationary employees in their employ as

of the effective date of this act concerning the reemployment status of those employees for the 2013-2014 year. If the board of trustees, or a person designated by the board of trustees, fails to notify a postprobationary employee on or before May 15, 2013, of his or her employment status for the next year, the employee shall be deemed reemployed for the next year under the same terms and conditions as he or she is employed for the current year.

~~2~~ (b) Notwithstanding the provisions of NRS 391.3197 or any other statute to the contrary, on or before May 15, 2013, the board of trustees of each school district shall notify the probationary employees in their employ as of the effective date of this act concerning the reemployment status of those employees for the 2013-2014 year.

~~3~~ (c) Notwithstanding the provisions of NRS 391.3196 or 391.3197 or any other statute to the contrary, a postprobationary or probationary employee who receives a notice of reemployment pursuant to ~~subsection 1 or 2~~ paragraph (a) or (b), as applicable, shall, on or before May 28, 2013, notify the board of trustees of the school district in writing of the employee's acceptance of the employment. The failure of a postprobationary or probationary employee to provide notification on or before May 28, 2013, of the employee's acceptance of reemployment for the next year is conclusive evidence of the employee's rejection of the contract.

~~4~~ (d) If a school district or an agreement entered by a school district requires a postprobationary or probationary employee in the employ of the school district as of the effective date of this act to provide notice to the school district of the employee's intent to seek employment elsewhere or otherwise discontinue his or her employment with the school district for the next year, the school district shall extend the time by which such notice is due by 10 days.

~~5~~ 2. The provisions of subsection 1 do not apply to the board of trustees of a school district in a county whose population is 700,000 or more or to such a school district's postprobationary employees or probationary employees.

3. As used in this section, "postprobationary employee" and "probationary employee" have the meanings ascribed to them in NRS 391.311.

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

Senator Smith moved that the Senate concur in the Assembly amendment to Senate Bill No. 510.

Remarks by Senators Smith and Kieckhefer.

SENATOR SMITH:

Thank you, Mr. President. The Body may recall that Senate Bill No. 510 was processed quickly in an effort to give the school districts greater flexibility offering their contracts to contracted employees. Because of budget uncertainty, it helps them avoid issuing layoff notices and then rescinding those notices. When Senate Bill No. 510 arrived at the Assembly, the Clark County School District asked to be exempted, resulting in Amendment No. 587 to

Senate Bill No. 510. The bill, if amended, will still benefit the other 16 school districts in our State.

SENATOR KIECKHEFER:

Thank you, Mr. President. I am happy to support Amendment No. 587, given that Clark County School District requested it. However, I do not see the need for the amendment. A provision of the bill states it is possible to issue notices earlier if a school district wishes.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Senate Bill No. 510.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hammond, the privilege of the Floor of the Senate Chamber for this day was extended to Maria Dent and former Senator William O'Donnell.

Senator Denis moved that the Senate adjourn until Wednesday, May 1, 2013, at 12:00 noon.

Motion carried.

Senate adjourned at 11:52 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate