

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 15, 2013

Senate called to order at 12:05 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

This prayer today comes from President Harry S. Truman. It was said to be his favorite prayer. It was delivered on August 15, 1950:

“O Almighty and Everlasting God, Creator of Heaven, Earth and the Universe: help us to be, to think, to act what is right, because it is right; make us truthful, honest and honorable in all things; make us intellectually honest for the sake of right and honor and without thought of reward. Give us the ability to be charitable, forgiving and patient with our neighbors—help us to understand their motives and their shortcomings—even as Thou understands ours!”

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which were referred Assembly Bills Nos. 17, 210, 259, 337, 459, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 25, 266, 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 Health and Human Services, to which were referred Assembly Bills Nos. 29, 69, 144, 154, 155, 158, 221, 255, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JUSTIN C. JONES, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 30, 40, 55, 60, 82, 89, 102, 110, 132, 182, 194, 217, 248, 307, 352, 365, 366, 377, 389, 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 512; Assembly Bills Nos. 441, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 19, 310, 487; Assembly Joint Resolutions Nos. 1, 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Assembly Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

AARON D. FORD, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 14, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 139.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 8—Creating a subcommittee of the Legislative Commission to study the Nevada Legislature.

Senator Spearman moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 9—Directing the Legislative Commission to appoint a committee to conduct an interim study regarding working conditions at state correctional institutions and facilities.

Senator Spearman moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

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

Motion carried.

Senate in recess at 12:12 p.m.

SENATE IN SESSION

At 12:18 p.m.

President Krolicki presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 515—AN ACT relating to unemployment compensation; authorizing the issuance of revenue bonds and other securities to repay loans from the Federal Government to this State for the payment of unemployment compensation and to establish adequate balances in the Unemployment Trust Fund; providing for special bond contributions to pay such bonds and related costs; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 462.

Bill read second time and ordered to third reading.

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Assembly Bill No. 53.

Bill read second time and ordered to third reading.

Assembly Bill No. 59.

Bill read second time and ordered to third reading.

Assembly Bill No. 65.

Bill read second time and ordered to third reading.

Assembly Bill No. 128.

Bill read second time and ordered to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

Assembly Bill No. 249.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Assembly Bill No. 407, be taken from the Second Reading File and placed on the Secretary's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 3.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 4.
Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 5.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 468 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 447.

Bill read third time.

Remarks by Senators Woodhouse and Cegavske.

SENATOR WOODHOUSE:

Thank you, Mr. President. Senate Bill No. 447 amends the statutory budget submission process for the regional training programs, and requires them to submit their proposed budgets to the Statewide Council for the Coordination of the Regional Training Programs for review and inclusion in the Department of Education's budget. Once the budgets are approved through the legislative process, revisions are to be processed through the Statewide Council and follow the same statutory procedures that apply to State agencies.

The measure also requires the regional training programs to provide developmental training for those professionals who conduct teacher or administrator evaluations in consultation with the Teachers and Leaders Council of Nevada. In addition, the regional training programs must provide targeted professional development based upon the results of teacher and administrator evaluations. The bill also requires the annual evaluation and report of the regional training programs to include additional information concerning the number of: (1) teachers who received training in parent engagement; (2) teachers or administrators who received training in conducting evaluations; and (3) teachers or administrators who received targeted professional development, based upon their evaluation results.

Senate Bill No. 447 further authorizes a teacher's aide or paraprofessional to monitor computer laboratories in place of a licensed teacher, unless prohibited by federal law. This measure authorizes district attendance officers to issue citations for habitual truancy. Finally, the bill increases from eight to nine the number of members of the Statewide Council and provides for the expiration of the terms of current members as of June 30, 2013, and appointment of new members. Provisions concerning the expiration and appointment of members of the Statewide Council are effective upon passage and approval. Other provisions are effective on July 1, 2013.

To my colleagues in the Senate, I wish to add that a Senate Committee on Education working group was established to handle this bill. The working group included representatives from school districts and teachers' associations as well as school administrators, school board members and the Interim Superintendent of Public Instruction for the State of Nevada. We worked out the many changes that you see in Senate Bill No. 447. It is a measure reflecting a lot of work by a lot of people who put their hearts and souls into forward movement around the changes we have implemented with evaluation procedures for teachers and administrators.

It was important to the working group to ensure we did not take away from the regional professional development centers, particularly those in the rural counties because they have worked so well. Senate Bill No. 447 does not change those centers from working in the successful ways they have been working. The bill creates a Statewide Council to enable everyone to be on the same page. I urge your support.

SENATOR CEGAVSKE:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 447. I want to recognize the Chair of the Senate Committee on Education for doing an outstanding job on this bill, as well as

on Senate Bill No. 467 which is also on General File today. She worked hard with all the different groups. I want to thank her for those efforts. My opposition to this bill in no way reflects how she did her job.

My opposition is to some of the policies that have been developed. I do not support them. I am concerned that we are fixing something that is not broken, and that is the regional professional development programs. I have watched the regional professional development programs since their inception. I have watched how well these programs have done. They are well orchestrated and produce good results. I do not agree with putting those programs under the Nevada Department of Education for clearance. I see Senate Bill No. 447 as a step backward when it comes to regional professional development programs.

I also have a question for the Chair of the Senate Committee on Education: are any of the other professional training groups included in Senate Bill No. 447? Are there others, in addition to the regional professional development programs, that are also placed under the guidance of the Nevada Department of Education?

SENATOR WOODHOUSE:

Thank you, Mr. President. To my colleague in Senate District No. 8, no it does not. School districts that want to conduct some of their own professional development—some of the larger school districts have professional development centers within their own district—can continue to do that. They can also contract out for professional development if that is their preference. There are no changes made within the regional professional development programs.

Roll call on Senate Bill No. 447:

YEAS—18.

NAYS—Cegavske, Gustavson, Settlemeyer—3.

Senate Bill No. 447 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467.

Bill read third time.

Remarks by Senators Woodhouse and Cegavske.

SENATOR WOODHOUSE:

Thank you, Mr. President. Senate Bill No. 467 is a companion to Senate Bill No. 447 that was just passed by this Body.

Senate Bill No. 467 requires the Superintendent of Public Instruction to establish the Education Advisory Council consisting of six voting members and other non-voting members appointed at the discretion of the Superintendent. The bill specifies the manner of appointment, selection of the Council's Chair and Vice Chair, meeting times, staffing, and duties—including that on or before December 31 of each year, the Superintendent shall submit a written report to the State Board of Education describing the Education Advisory Council's activities. The bill also provides for the payment of travel and per diem for members of the Department of Education (DOE).

Senate Bill No. 467 also removes the requirement that the Superintendent hold a master's degree in an education field, authorizes the appointment of deputy superintendents as required by the Superintendent and transfers certain duties from the Superintendent to the DOE. Additionally, the bill revises the allowable uses of money in the Account for Programs for Innovation and the Prevention of Remediation. It also abolishes the Commission on Educational Excellence and deletes the requirement that any expenditure from the Education Gift Fund be approved by the Legislature or the Interim Finance Committee. The bill is effective on October 1, 2013.

I would like to add that the Senate Committee on Education's working group, that I mentioned during remarks on Senate Bill No. 447, assisted with the development of this bill. Thank you for your support.

SENATOR CEGAVSKE:

Thank you, Mr. President. Again, I commend the Chair of the Senate Committee on Education for doing a great job of bringing all of the many entities together to discuss these issues. I rise in opposition to Senate Bill No. 467. This is a bill that did not remove all of the recommended councils or committees that should be removed. The bill also establishes a new council. As I have stated before, the policies are not ones that I agree with. Therefore, I will be voting against this legislation.

Roll call on Senate Bill No. 467:

YEAS—17.

NAYS—Cegavske, Gustavson, Hutchison, Settelmeyer—4.

Senate Bill No. 467 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 12.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 12 removes a provision requiring an employee to provide notice to his or her employer before filing a complaint with the Division of Industrial Relations of the Department of Business and Industry regarding retaliatory action by the employer. This provision relates to any discrimination against, or discharge of, an employee who has made a complaint or instituted or caused a proceeding under Nevada's Occupational Safety and Health laws.

Roll call on Assembly Bill No. 12:

YEAS—21.

NAYS—None.

Assembly Bill No. 12 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 22.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 22 allows the Administrator of the Manufactured Housing Division to waive the continuing education requirement for a specialty serviceperson if the serviceperson holds a license issued by the State Contractors' Board and such a waiver would be in the State's best interest. We heard testimony in Committee that we do not have enough courses to fulfill continuing education requirements for this group. This will allow people to get repairs when they are needed.

Roll call on Assembly Bill No. 22:

YEAS—20.

NAYS—Manendo.

Assembly Bill No. 22 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 179.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 179 increases from \$50,000 to \$75,000 the amount of revenue received by a regulatory board that would require that board to engage the services of a public accountant to perform an annual fiscal audit. The bill will result in money saved for the smaller boards if they do not have to hire an accountant.

Roll call on Assembly Bill No. 179:

YEAS—21.

NAYS—None.

Assembly Bill No. 179 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 206.

Bill read third time.

Remarks by Senator Settlemeyer.

Thank you, Mr. President. Assembly Bill No. 206 requires that volunteer members of a search and rescue operation, acting under the direction of a sheriff in the conduct of any search and rescue operation, be covered at a deemed wage of \$2,000 per month for the purposes of receiving industrial insurance benefits. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 206:

YEAS—21.

NAYS—None.

Assembly Bill No. 206 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 331.

Bill read third time.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Assembly Bill No. 331 prohibits a provider of health care from requesting certain payment from a patient for any services rendered if the provider of health care fails to submit any claim to the patient's health care plan, under certain circumstances. This bill is effective and applies only to services rendered pursuant to an agreement entered into on or after October 1, 2013. I request your support.

Roll call on Assembly Bill No. 331:

YEAS—21.

NAYS—None.

Assembly Bill No. 331 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 492.

Bill read third time.

Remarks by Senator Denis.

Thank you, Mr. President. Assembly Bill No. 492 revises the authority of the Credit Union Advisory Council. The measure eliminates the supervisory powers of the Credit Union Advisory

Council so that it functions in an advisory capacity only. This bill was submitted on behalf of the Sunset Subcommittee. I urge your support.

Roll call on Assembly Bill No. 492:

YEAS—21.

NAYS—None.

Assembly Bill No. 492 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Assembly Bills Nos. 13, 16, 41, 45, 57, 85, 108, 111, 252, 350, 356.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Haley Johnson; and also, the students and teachers from Hunter Lake Elementary School; students: Avin Barbera, Kevin Butler, Sadie Byers, Jamie Clark, Daniel Dintchev, Joey Fore, Tess Fouassier, Skye Gregory, Emily Guadron, Amelia Jamieson, Jose Jordan Valdes, Natalya Klupfell, Samantha Kruger, Dorothy Moss, Isabelle Ontiveros, Melissa Orozco Hernandez, Tyson Owens, Zayda Selemenev, Jack Shank, Ana Smith, Amber Stegall, Stone Tobin, Ian Walker, Chase Williams, Levi Zendejas; and teacher: Ms. Rowe; students: Maggie Arden, Christian Arreygue, Jaedyn Ashbrook, Alexis Burton, Spencer Childs, Jonah Davis, Elena Douglas, Kyle Fermoile, Van Fine, Zachary Geddry, Dylan Hutchings, Rachelle Kerr, Addison Klupfell, Wyatt Kretchman, Anabelle Mandel, Sierra McCameron-Coleman, Kevin Muldrew, Breeze Nay, Isis Noble, Hunter Puskiewicz, Damian Scrivens, Charles Siemann, Kaleigh Sippola, Jolie Stewart, Ariana Taylor, Kellie Tolbert, Jose Villa and Elizabeth Whitlock; and teacher: Ms. Gregory.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to the students of Nate Mack Elementary School: Taye Adams, Stephanie Ascencio, Kaydriana Asher, Carlos Avila, Tiago Bensuski, Gavin Bristol-Madsen, Karly Bristol-Madsen, Lauren Burist, Angelina Carbaugh, Luka Cardno, Jaden Carizzo, Alexis Chandler, Sarah Comer, Zander Copeland, Vayda DePry, Cash Donovan, Samantha Fankhauser, Landree Galvin, Damion Garcia, Julian Garcia, Areea Ghafouria, Breanna Harris, Shawn Hernandez, Alyssa Hulse, Emily Jacobson, Konnor Johnson, Emily Kee, Lynzzie Leggat, Levi Luhnnow, Alissa Luker, Ashleigh Mathews, Iyanuoluwa Olalere, Sydney Pacheco, Gabe Paradis, Bryant Pierce, Jade Quintana, Emma Raspopovich, Kahran Roots, Miru Rose, Katie Schlax, Reagan Seiler, Tiffany Stout, Tamia Talbert-Hinton, David Tarango, Maximus Timoteo, Karen Tobiason, Namya

Touche, Niveya Touche, Francis Trinidad, Lauren Virzi, Eliana Wells, Dylan Webb, Devon Wheeler, Brandon Winchell and Shelby Wood.

Senator Denis moved that the Senate adjourn until Thursday, May 16, at 11:30 a.m., and that it do so in memory of Dorothy Gallagher, advocate for the Nevada System of Higher Education and former Regent, as requested by Senator Goicoechea.

Motion carried.

Senate adjourned at 12:49 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate