

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 6, 2015

Assembly called to order at 11:53 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

Let us pray and be reminded of God's goodness and care for each of us as we read the Shepherd's Psalm 23.

The Lord is my shepherd; I shall not want.

He makes me to lie down in green pastures;

He leads me beside the still waters. He restores my soul;

He leads me in the paths of righteousness for His name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil;

For You are with me;

Your rod and Your staff, they comfort me.

You prepare a table before me in the presence of my enemies;

You anoint my head with oil;

My cup runs over.

Surely goodness and mercy shall follow me all the days of my life;

And I will dwell in the house of the Lord forever.

I pray blessings on the people of this Assembly, their families, and staff.

In Jesus' name,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 104, 322; Senate Joint Resolutions Nos. 2, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 427, 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 27, 30, 73, 74, 75, 87, 103, 131, 154, 157, 179, 188, 250.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 476 and 482 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 229 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 663.

AN ACT relating to gaming; prohibiting certain acts related to wagering; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to perform certain actions relating to gaming without having first procured, and thereafter maintaining, all required gaming licenses. (NRS 463.160) This bill additionally provides that it is unlawful for a person to: (1) receive any compensation or reward, or any percentage or share of the money or property played, for accepting ~~for facilitating the acceptance of~~ a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event, without having first procured, and thereafter maintaining, all required gaming licenses; (2) accept or facilitate a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event that is placed with a person who receives any compensation or reward, or any percentage or share of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses; or (3) transmit or deliver anything of value resulting from a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event with a person who receives any compensation or reward, or any percentage or share

of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses. A person who violates any such provision is guilty of a category B felony.

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

Section 1. Chapter 465 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided by law, it is unlawful for a person to receive, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for accepting ~~for~~ facilitating the acceptance of any bet or wager upon the result of any event held at a track involving a horse or other animal, sporting event or other event, as defined by regulations adopted by the Nevada Gaming Commission, without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing body of any unincorporated town.*

2. *Except as otherwise provided by law, it is unlawful for a person to:*

(a) Accept or facilitate any bet or wager that is placed with a person described in subsection 1; or

(b) Transmit or deliver anything of value resulting from a bet or wager to a person who has placed a bet or wager with a person described in subsection 1.

3. *The provisions of this section do not make it unlawful for a race book or sports pool that is licensed pursuant to chapter 463 of NRS to, without knowledge, accept a bet or wager from or pay a winning bet or wager to a person described in subsection 1 or 2.*

Sec. 2. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.085, inclusive, ***and section 1 of this act***, is guilty of a category B felony and shall be punished:

(a) For the first offense, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(b) For a second or subsequent violation of any of these provisions, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$10,000. The court shall not suspend a sentence of imprisonment imposed pursuant to this paragraph, or grant probation to the person convicted.

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.085, inclusive, ***and section 1 of this act***, each is guilty of a category B felony and shall be punished by imposing the

penalty provided in subsection 1 for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

In section 1 this amendment deletes the language “facilitating the acceptance of” in relation to a person making a bet for another person.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 480.

Bill read second time.

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

Amendment No. 661.

AN ACT relating to county government; revising the membership of the county fair and recreation board of certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes a county fair and recreation board in any county whose population is 100,000 or more and less than 700,000 (currently Washoe County). The board must consist of 13 members, including two members appointed by the board of county commissioners, two members appointed by the governing body of the largest incorporated city in the county (currently the City of Reno) and one member appointed by the governing body of the next largest incorporated city in the county (currently the City of Sparks). Those five members must appoint the remaining eight members, of whom one must be a representative of banking or other financial interests, and another of whom must be a representative of business or commercial interests. Both of those members must be chosen from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county. Additionally, one member must be a representative of motel operators and must be chosen from a list of nominees submitted by one or more associations that represent the motel industry. (NRS 244A.601)

This bill revises the membership of such a county fair and recreation board and reduces the size of the board from 13 to 9 members. This bill changes from two to one the number of members appointed to the board by the board of county commissioners and by the governing body of the largest incorporated city in the county, respectively. Additionally, this bill deletes the provision providing for the appointment of a member representing motel operators. This bill also deletes the provisions providing for the appointment of a member representing banking or other financial interests and another member representing business or commercial interests. Instead, this bill requires the appointment of a member representing ~~commercial or noncommercial~~

interests related to tourism or other commercial interests or the resort hotel business. Finally, this bill requires the members of the county fair and recreation board to elect the Chair of the board from among the three members appointed by the board of county commissioners and the governing bodies of the two largest incorporated cities in the county, respectively.

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

Section 1. NRS 244A.601 is hereby amended to read as follows:

244A.601 1. In any county whose population is 100,000 or more, and less than 700,000, the county fair and recreation board consists of ~~{13}~~ *nine* members who are appointed as follows:

- (a) ~~{Two members}~~ *One member* by the board of county commissioners.
- (b) ~~{Two members}~~ *One member* by the governing body of the largest incorporated city in the county.
- (c) One member by the governing body of the next largest incorporated city in the county.

(d) Except as otherwise provided in subsection 2, ~~{eight}~~ *six* members by the members appointed pursuant to paragraphs (a), (b) and (c). The members entitled to vote shall select:

(1) One member who is a representative of air service interests from a list of nominees submitted by the airport authority of the county. The nominees must not be elected officers.

(2) One member who is a representative of ~~{motel operators from a list of nominees submitted by one or more associations that represent the motel industry.~~

~~— (3) One member who is a representative of banking or other financial interests from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county.~~

~~— (4) One member who is a representative of other business or commercial interests ~~commercial or noncommercial~~ interests relating to tourism or other commercial interests or the resort hotel business from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county.~~

~~{5}~~ (3) One member who is a representative of other business or commercial interests, including gaming establishments, from a list of nominees submitted by a visitor's bureau, other than a county fair and recreation board or a bureau created by such a board, that is authorized by law to receive a portion of the tax on transient lodging, if any. If no such bureau exists in the county, the nominations must be made by the chamber of commerce of the third largest township in the county.

~~{6}~~ (4) Three members who are representatives of the association of gaming establishments whose membership collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the county in the preceding year, from a list of nominees submitted by the association. If there

is no such association, the three appointed members must be representative of gaming.

↪ If the members entitled to vote find the nominees on a list of nominees submitted pursuant to this paragraph unacceptable, they shall request a new list of nominees.

2. *The members of the board shall elect a Chair from among the members appointed pursuant to paragraphs (a), (b) and (c) of subsection 1.*

3. The terms of members appointed pursuant to paragraphs (a), (b) and (c) of subsection 1 are coterminous with their terms of office. The members appointed pursuant to paragraph (d) of subsection 1 must be appointed for 2-year terms. Any vacancy occurring on the board must be filled by the authority entitled to appoint the member whose position is vacant. Each member appointed pursuant to paragraph (d) of subsection 1 may succeed himself or herself only once.

~~{3}~~ **4.** If a member ceases to be engaged in the business or occupation which he or she was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

~~{4}~~ **5.** Any member appointed by the board of county commissioners or a governing body of a city must be a member of the appointing board or body.

Sec. 2. 1. Notwithstanding any other provision of law, the terms of the members selected to the county fair and recreation board pursuant to subparagraphs (2), (3) and (4) of paragraph (d) of subsection 1 of NRS 244A.601 as that section exists on June 30, 2015, expire on that date.

2. As soon as practicable on or after July 1, 2015:

(a) The chamber of commerce of the largest incorporated city in the county shall submit to the members of the county fair and recreation board entitled to vote the list of nominees described in subparagraph (2) of paragraph (d) of subsection 1 of NRS 244A.601, as amended by section 1 of this act; and

(b) The members of the county fair and recreation board entitled to vote shall select from the list of nominees the member described in subparagraph (2) of paragraph (d) of subsection 1 of NRS 244A.601, as amended by section 1 of this act.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that one member of the county fair and recreation board may be a representative of other commercial interests in addition to other possible interests, such as tourism or the resort hotel business.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 14.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 14 revises the membership of the Pharmacy and Therapeutics Committee, Department of Health and Human Services, by reducing the minimum number of members from nine to five. In addition, the measure eliminates the stipulation that no more than 51 percent of the members may be active physicians, pharmacists, or persons with doctoral degrees in pharmacy. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 14:

YEAS—42.

NAYS—None.

Senate Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 31 transfers from the Division of Public and Behavioral Health, Department of Health and Human Services, to the State Board of Health the authority to adopt regulations that prescribe continuing education requirements and associated fees for certification of detoxification technicians, facilities, and programs.

Roll call on Senate Bill No. 31:

YEAS—42.

NAYS—None.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 86 increases the maximum amount of a civil penalty that may be imposed by the Public Utilities Commission of Nevada for a violation of regulations adopted by the Commission in conformity with the Natural Gas Pipeline Safety Act of 1968. The new penalty is not to exceed \$200,000 for each violation for each day that the violation persists, with a maximum civil penalty not to exceed \$2 million.

The measure also increases the maximum civil penalty for a single willful or repeated violation of provisions governing excavation or demolition near subsurface installations to not more than \$2,500 per day and increases the maximum civil penalty for any related series of willful or repeated violations within a calendar year to not more than \$250,000. In addition, the measure provides additional factors for the Commission to consider when determining the amount of the penalty or the amount agreed upon in a settlement or compromise.

Finally, Senate Bill 86 authorizes the Commission to triple the maximum civil penalty that may be imposed for each violation that involves contact with or near certain high consequence subsurface installations such as petroleum, gas, sewage, and hazardous materials pipelines; electric supply lines and cables; and optical carrier level communications lines. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 86:

YEAS—42.

NAYS—None.

Senate Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 151.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 151 requires the Public Utilities Commission of Nevada, PUCN, to adopt regulations authorizing a public utility that purchases natural gas for resale to expand its infrastructure in a manner consistent with an economic development program proposed by the public utility and approved by the PUCN.

Roll call on Senate Bill No. 151:

YEAS—42.

NAYS—None.

Senate Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 158.

Bill read third time.

Remarks by Assemblymen O'Neill and Kirkpatrick.

Roll call on Senate Bill No. 158:

ASSEMBLYMAN O'NEILL:

Senate Bill 158 requires a local government employer to make available to the public, not less than three business days before a public hearing by its governing body to approve a collective bargaining agreement or similar agreement, the following documents: the proposed agreement and any exhibits or other attachments to the proposed agreement; a document showing any language added to or deleted from the previous agreement, if the proposed agreement is a modification of a previous agreement; and any supporting material prepared for the governing body and relating to the fiscal impact of the agreement.

The documents must be available on the website of the local government or, if the local government does not have such a website, by depositing the documents with the clerk of the governing body. Any document so deposited is a public record and must be open for public inspection. This bill is effective on July 1, 2015.

ASSEMBLYWOMAN KIRKPATRICK:

I have had some concerns about Senate Bill 158 for some time. I voiced them in committee—what is good for the goose is good for the gander. If the local officials are circumventing the current law that says any of their pay raises or evaluations are not being made public and are on the consent agenda, I think that is a violation of the current spirit of the law we put in place. I wish we could have done an amendment on this. I believe this is transparency, but transparency should be for all.

I want to put on the record that I am going to send a letter to NACO [Nevada Association of Counties] and to the League of Cities. I am going to remind them of the law that was passed in 2005 for this very same reason. If it is transparency for one, it is transparency for all. I do not want to sugarcoat it. I make no secret that I think everyone should follow the law. I will be letting them know that there is a current law in place.

I believe this is a step toward transparency as we have always done in this building, so I will reluctantly vote for it without an amendment.

YEAS—42.

NAYS—None.

Senate Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 196 requires the Division of Public and Behavioral Health, Department of Health and Human Services to establish and maintain the Stroke Registry to compile information and statistics concerning the treatment of patients who suffer from strokes. The Division must adopt and carry out procedures for the Registry that improve the quality of care provided to patients who suffer from strokes and compile an annual report to be posted online and submitted to the Governor and the Legislative Committee on Health Care.

The bill requires the Division to include in its list of hospitals certified as primary stroke centers those that are certified by the Joint Commission as comprehensive stroke centers. Each hospital included on this list is required to report to the Registry certain data concerning treatment of patients who suffer from strokes. With certain exceptions, the measure authorizes a provider of health care to use credit earned for continuing education relating to Alzheimer's disease in place of certain other continuing education requirements.

Roll call on Senate Bill No. 196:

YEAS—42.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 281 removes from regulation as solid waste any vehicle owned by a licensed automobile wrecker or licensed salvage pool and designated for dismantling as a source for parts. This bill is effective on July 1, 2015.

The EPA [Environmental Protection Agency] recently ruled that scrap metal is not solid waste, so I would ask the body to please approve this bill to get us in line with the EPA.

Roll call on Senate Bill No. 281:

YEAS—42.

NAYS—None.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 44 and 417.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Josie Tierney.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Varner, Janneli Ramos, and Jonas Furlong.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to George Flint.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Ansell.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Matsumura and the following students, chaperones and teachers from Tahoe Expedition Academy: Zachary Wallpe, Nathan Barth, Mason Smith, Donovan Johnson, Denali Cooke, Hayden McJunkin, Tiana Hatchett, Sadie Tucker, and Maya Ferris.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Reilly, Krista Reilly, Isaac Reilly, Elyse Reilly, and the following students, chaperones, and teachers from Bordewich Bray Elementary School: Fabian Baez, Tiberius Bryan, Avery Buchan, Angel Ceballos, Anthony Clemons, Macey Douglass, James Gersch, Josue Gomez Alegria, Alexis Gomez Andrade, Dulce Gomez, Frankie Hernandez Peregrina, Alexander Lance, Malachi Leonard, Alexzander Lepage, Emaly Lopez, Cynthia Medina, Erick Pedraza Lopez, Ricardo Plascencia-Flores, Nandana Praveen, Janneli Ramos, Noel Rehus, Ravyn Smith, Josie Tierney, Jasmine Arthur, Javier Beltran, Payton Brown, Maximillian Bushey, Destiny Carman, Ava Cole, Enrique Espinoza Ayala, Kiele Franco, Jonas Furlong, Olivia Gaida, Axel Gutierrez Galan, Azariah Hougland, Meryl Johnson, Omar Martinez, Miguel Mendoza Jr., Adan Pazos Heredia, Adrian Rocha, Mazzy Root-Ferguson, Christian Rough Jr., Ava Schofield, Ilu Valdivia Rugama, and Angel Vega Alvarez.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Phillips.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Julianne Delap and Jack Delap.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Joylyn Harmer, Espe Harmer, and Sabine Harmer.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 7, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:23 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly