

**THE NINTH DAY**

---

CARSON CITY (Tuesday), February 10, 2015

Senate called to order at 11:06 a.m.

President Hutchison presiding.

Roll called.

All present except Senators Segerblom and Smith, who were excused.

Prayer by Tribal Elder Ralph Burns.

Good morning. Today, we are gathered here. We are going to ask the Creator for a blessing.

We thank You for this day. There is a lot to be thankful for. Welcome to the new Senators and have them make decisions with their heart; not only with their eyes, but see everything with their heart. Make good decisions for the people, all the people and everything on earth that will be affected.

We know we are in hard times, and You have to make decisions. We ask blessings for all of you here, blessings for all the families, blessings for all our children. The time is coming when they will be our leaders.

Bless our young men that are overseas. We ask for their safe return.

Blessings for our Mother Earth, our water, our air, the food and all the green growth.

Give us blessings for our leaders to respect our ways, our language and our culture. We all do not live one way. Go in a good way.

Poowa Poowa (Blowing blessings to the Creator).

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 9, 2015

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 2.

CAROL AIELLO-SALA  
*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 2.

Senator Roberson moved the adoption of the resolution.

Remarks by Senator Roberson.

For the past several years, hardworking and dedicated State employees have taken furloughs and salary reductions during our State's budget difficulties. In recognition of their financial sacrifice, this resolution provides for the voluntary transfer of a portion of the Legislators' salaries to the State's General Fund.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Kieckhefer:

Senate Bill No. 132—AN ACT relating to education; requiring school districts and charter schools to ensure that paraprofessionals who provide

assistance to pupils with individualized education programs receive the necessary training to serve those pupils; requiring the State Board of Education to establish minimum training requirements for such paraprofessionals; making an appropriation; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Education.

Motion carried.

By Senators Roberson, Harris, Brower, Farley and Lipparelli:

Senate Bill No. 133—AN ACT relating to education; creating the Teachers' School Supplies Reimbursement Account; providing for an annual allocation from the Account to each school district; authorizing teachers to submit claims to the school districts by which they are employed for reimbursement for certain out-of-pocket expenses; requiring the Department of Education to adopt by regulation the procedure for submission and approval of the claims; making an appropriation; and providing other matters properly relating thereto.

Senator Roberson moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Education.

Motion carried.

By Senator Roberson:

Senate Bill No. 134—AN ACT relating to civil litigation; limiting the amount of a bond to secure a stay of execution of certain judgments pending appeal; and providing other matters properly relating thereto.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 82.

Bill read second time and ordered to third reading.

Senate Bill No. 90.

Bill read second time and ordered to third reading.

#### SPECIAL ORDERS OF THE DAY VETO MESSAGES OF THE GOVERNOR

The hour of 11:15 a.m. having arrived, vetoed Senate Bills Nos. 185, 221, 312, 373, 457 of the 77th Session were considered.

Vetoed Senate Bill No. 185 of the 77th Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR  
STATE OF NEVADA  
EXECUTIVE CHAMBER  
CARSON CITY, NEVADA 89701

June 13, 2013

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City,  
Nevada 89710-4747

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 185 of the 77th Session, which is entitled:

AN ACT relating to the Nevada System of Higher Education; eliminating certain requirements relating to public works; increasing the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects at the University of Nevada, Reno; and providing other matters properly relating thereto.

Senate Bill 185 was introduced at the request of the Nevada System of Higher Education solely for the purpose of increasing the principal amounts of revenue bonds and other securities that may be issued by the Board of Regents to fund, in whole or in part, certain planned projects at the University of Nevada, Reno.

Existing law establishes that a construction project of the Nevada System of Higher Education is not a "public work" unless at least 25 percent of the project was funded by state or federal money. Of note, less than 25 percent of public funds were used for UNR's last three major construction projects including The Joe Crowley Student Union, Nevada Living Learning Community Residential Housing, and Center for Molecular Medicine. Moreover, less than \$500,000 of state public funds are planned to be used for UNR's next four major projects which include the Student Achievement Center, Graduate and Married Student Housing, Undergraduate Residence Hall, and Mackay Stadium Improvements.

However, at the end of the legislative session, a Conference Committee was held which amended the bill. In effect, the amendment redefined what constituted a "public work" for projects within the Nevada System of Higher Education and resulted in the removal of the limited "public works" exemption.

Given this amendment, the Nevada System of Higher Education is no longer supportive of this bill. In requesting a veto of Senate Bill 185, the Nevada System of Higher Education articulated the following concerns:

1. New jobs could be delayed or lost. Donor interest in capital projects may be chilled as donors who wish to give to the System may see the cost of projects increase. Even projects that are funded 100 percent with donor funds will become "public works" under these revisions. Because state CIP funds are severely limited or non-existent, future construction projects may be delayed or eliminated and jobs affected, as these increasingly important donor gifts could be adversely impacted by this legislation. Donors like to know how their funds will be spent and expect projects to be managed efficiently. Duplicative oversight by NSHE and the SPWB is not cost effective and may hamper fundraising efforts. Strong donor support and funding flexibility is required for UNR and NSHE institutions to successfully complete their planned capital projects.
2. Cost will rise significantly. Overhead costs on projects will increase substantially due to the duplication of oversight on projects.
3. Students will be affected. The size, scope, timing, and affordability of future projects will be jeopardized.
4. State government will have to expand. Work required by the State Public Works Office would rise significantly and require an expansion of its resources.

Because of the concerns raised by the Nevada System of Higher Education, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor of Nevada*

Senators Settlemeyer, Brower and Kieckhefer moved the previous question.

Motion carried.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Senate Bill No. 185 of the 77th Session:

YEAS—None.

NAYS—Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Roberson, Settlemeyer, Spearman, Woodhouse—19.

EXCUSED—Segerblom, Smith—2.

Vetoed Senate Bill No. 221 of the 77th Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR  
STATE OF NEVADA  
EXECUTIVE CHAMBER  
CARSON CITY, NEVADA 89701

June 13, 2013

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City, Nevada 89710-4747

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 221 of the 77th Session, which is entitled:

AN ACT relating to public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring certain persons to request a background check before transferring a firearm to another person under certain circumstances; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Division of Mental Health and Developmental Services of Department of Health and Human Services; requiring a mental health professional to notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; providing penalties; and providing other matters properly relating thereto.

Senate Bill 221 has merit and includes a number of worthy components, including provisions that expedite court reporting of mental health adjudications, require criminal justice agencies to report records of criminal history within 60 days, and expand the list of individuals who are

prohibited from possessing a firearm due to a finding of mental illness. Additionally, the bill creates new disclosure requirements for health care professionals who believe a patient has the intent and ability to carry out a threat of imminent, serious physical harm or death to a person.

However, while I support enhanced reporting requirements concerning mentally ill persons, the provisions of Senate Bill 221 pertaining to background checks for the private sale and transfer of firearms constitute an erosion of Nevadans' Second Amendment rights under the United States Constitution and may subject otherwise law-abiding citizens to criminal prosecution.

For example, the bill mandates that a private person wishing to sell a firearm to a family member must request a background check through a federally licensed firearms dealer. Additionally, a private person wishing to sell a firearm to a holder of a concealed weapon permit must conduct the transaction under the supervision of a federally licensed firearms dealer.

Senate Bill 221 also introduces into Nevada law a change in the burden of proof associated with the prosecution of a criminal action for the unlawful sale or disposal of a firearm. Existing law requires "actual knowledge" by the seller that the buyer meets disqualifying conditions or is otherwise prohibited from possessing a firearm. Senate Bill 221 alters this burden of proof from "actual knowledge" to "reasonable cause to believe," potentially exposing additional law-abiding Nevadans to criminal prosecution.

Indeed, a conviction pursuant to this new, broader standard imposes severe criminal penalties and requires an individual to forfeit Second Amendment rights. A person who violates the mandatory background check provision would be guilty of a gross misdemeanor for a first offense and prohibited from possessing a firearm for two years after the date of the conviction. For a second offense, a person who violates this provision would be guilty of a category E felony and, as a convicted felon, would be prohibited from possessing a firearm indefinitely.

Many law enforcement professionals agree that Senate Bill 221 does not appropriately or effectively address the serious concerns at hand. In requesting a veto of the measure, the Nevada Sheriffs' and Chiefs' Association wrote:

The sections of SB 221 requiring mandatory background checks on private sales place an unreasonable burden on law-abiding citizens, with the potential to make them criminals. It would be unenforceable by law enforcement. It is our opinion this bill would do little to keep firearms out of the hands of criminals.

Senate Bill 221, while laudable in its efforts to strengthen reporting requirements concerning mentally ill persons, imposes unreasonable burdens and harsh penalties upon law-abiding Nevadans, while doing little to prevent criminals from unlawfully obtaining firearms.

Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor of Nevada*

Senators Settlemeyer, Brower and Kieckhefer moved the previous question.

Motion carried.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Senate Bill No. 221 of the 77th Session:

YEAS—8.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settlemeyer—11.

EXCUSED—Segerblom, Smith—2.

Vetoed Senate Bill No. 312 of the 77th Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR  
STATE OF NEVADA  
EXECUTIVE CHAMBER  
CARSON CITY, NEVADA 89701

June 7, 2013

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City,  
Nevada 89710-4747

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 312 of the 77th Session, which is entitled:

AN ACT relating to driving under the influence; revising provisions concerning impact panels of victims of crimes involving driving under the influence of intoxicating liquor or a controlled substance; providing a penalty; and providing other matters properly relating thereto.

This bill makes the Department of Motor Vehicles responsible for regulating the organizations that sponsor and conduct victim impact panels. Organizations that want to sponsor victim impact panels must register with the Department and meet certain requirements.

Victim impact panels are exceedingly important. They provide much needed insight to those individuals convicted of driving under the influence of an intoxicating liquor or a controlled substance of the damage their behavior could or has caused victims of this crime. However, existing law already provides judges with the oversight of these panels. It is not clear how this new process will affect victim impact panels and there does not appear to be a compelling reason for the oversight of these organizations to be transferred from the judges to the Department of Motor Vehicles. Moreover, the bill provides that this new process is either in lieu of or in addition to the panels held under the direct supervision of the judges which is either redundant or unnecessarily circumvents the power of the court. This bill may, unintentionally, serve to undermine the intent and process of victim impact panels. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor of Nevada*

Senators Settlemeyer, Brower and Kieckhefer moved the previous question.

Motion carried.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Senate Bill No. 312 of the 77th Session:

YEAS—2.

NAYS—Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Parks, Roberson, Settlemeyer, Woodhouse—17.

EXCUSED—Segerblom, Smith—2.

Vetoed Senate Bill No. 373 of the 77th Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR  
STATE OF NEVADA  
EXECUTIVE CHAMBER  
CARSON CITY, NEVADA 89701

June 3, 2013

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City,  
Nevada 89710-4747

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 373 of the 77th Session, which is entitled:

AN ACT relating to judgments; authorizing a court to issue an order permitting a judgment debtor to pay a judgment in installments under certain circumstances; increasing the percentage of a judgment debtor's disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; revising provisions relating to the exemption of annuity benefits from certain claims of the annuitant's creditors; and providing other matters properly relating thereto.

This bill revises existing state law related to the payment of judgments. The bill allows for the payment of a judgment in installments from income or property that is not exempt from execution if the court determines that the defendant is unable to pay the judgment. The bill also increases the percentage of a debtor's disposable earnings that are exempt from execution from 75 percent to 85 percent if the debtor's gross annual salary is \$40,000 or less.

Nevada is one of the most favorable debtor states and provides greater protection from wage garnishment than surrounding states. Existing state law provides significant protection to debtors by exempting many sources of income and property from execution. State law also permits voluntary wage assignments, which provides an opportunity for debtors to arrange terms of payment with creditors or collection agencies before or after a lawsuit. If adopted, Senate Bill 373 would tilt the current balance between creditors and debtors and reduce a business's ability to recover payment for services rendered. Indeed, several businesses, including The Chamber of Reno, Sparks, and Northern Nevada, testified in opposition to this bill. Because Senate Bill 373 unnecessarily expands protections to judgment debtors at the expense of Nevada businesses, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,

BRIAN SANDOVAL  
*Governor of Nevada*

Senators Settlemeyer, Goicoechea and Kieckhefer moved the previous question.

Motion carried.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Senate Bill No. 373 of the 77th Session:

YEAS—None.

NAYS—Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Roberson, Settlemeyer, Spearman, Woodhouse—19.

EXCUSED—Segerblom, Smith—2

Vetoed Senate Bill No. 457 of the 77th Session.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR  
STATE OF NEVADA  
EXECUTIVE CHAMBER  
CARSON CITY, NEVADA 89701

June 3, 2013

THE HONORABLE ROSS MILLER, *Secretary of State*, Capitol Building, Carson City, Nevada 89710-4747

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 457 of the 77th Session, which is entitled:

AN ACT relating to elections; requiring that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or general election only by the registered voters of the ward that a candidate seeks to represent; creating a sixth ward for the City of Reno; and providing other matters properly relating thereto.

Senate Bill 457 proposes that candidates in Carson City, Henderson, Reno and Sparks be voted upon, in a primary or general election, only by the voters of the ward that the candidate seeks to represent.

If Senate Bill 457 were enacted, the bill would limit voters' abilities to cast their vote in electing officials to make decisions for the good of the community as a whole. This issue was posed directly to the citizens of Reno through an advisory ballot question in November of last year. The question was clearly stated:

Shall the five City Council members representing wards continue to be voted upon by all registered voters of the City in the General Election?

An overwhelming majority of Reno voters, constituting seventy-six percent of the vote, responded in the affirmative, clearly stating that they wished to retain the current structure, thereby, rejecting a ward only voting structure.

In addition to this clear and convincing vote of the people, Senate Bill 457 was opposed by Carson City, Henderson, Reno and Sparks, as well as the Nevada League of Cities and Municipalities.

Ultimately, Senate Bill 457 proposes to reject the voters' clear intention to retain citywide elections. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,  
BRIAN SANDOVAL  
*Governor of Nevada*

Senators Settlemeyer, Brower and Kieckhefer moved the previous question.

Motion carried.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Senate Bill No. 457 of the 77th Session:

YEAS—5.

NAYS—Brower, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Parks, Roberson, Settlemeyer, Woodhouse—14.

EXCUSED—Segeberblom, Smith—2.



## REMARKS FROM THE FLOOR

Senator Goicoechea requested that the following remarks be entered in the Journal.

## SENATOR GOICOECHEA:

Thank you, Mr. President. I have a good friend and constituent with me today; Lindsey Manning. He is the Tribal Chair of the Shoshone Paiute Tribe of Duck Valley in northern Nevada, which most of you probably know better as Owyhee. He has worked for his Tribe over the last 30 years in several capacities. He has served in many roles including Tribal Chairman, Vice Chairman, Tribal Council Member, Tribal Planner, grant writer, director of the Duck Valley Housing Authority, chairman of the Tribal Health Board, Tribal Environmental Health Educator and projects coordinator for natural resources and development in Duck Valley. Mr. Manning has developed several programs for the Paiute-Shoshone Tribe over his extended career. He is a third-generation rancher like myself and holds a Bachelor of Arts degree in History and Secondary Education. Please make him welcome.

## SENATOR FORD:

My guest is Arlan Melendez, who is the Chair of the Reno-Sparks Indian Colony, a federally recognized Tribal Government representing 1,070 Paiute, Washoe and Shoshone Tribal Members located in Reno, Nevada. Chair Melendez, a Paiute Indian, was first elected to the Tribal Council in 1989 and has served on the Tribal Council for 28 years, 24 years as Chair.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Ford, the privilege of the floor of the Senate Chamber for this day was extended to Arlan Melendez.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Lindsey Manning.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Gene Humphrey.

On request of President Hutchison, the privilege of the floor of the Senate Chamber for this day was extended to John Rupert and Ben Rupert.

Senator Roberson moved that the Senate adjourn until Wednesday, February 11, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:37 a.m.

Approved:

MARK A. HUTCHISON  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*