

**THE TENTH DAY**

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CARSON CITY (Wednesday), February 11, 2015

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

President Hutchison presiding.

Roll called.

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

Prayer by the Chaplain, Pastor Albert Tilstra.

O' Lord,

In the midst of great activity, today, we ask You to remind us often of Your invisible presence that,

Out of confused issues, may come simplicity of plan;

Out of fear, may come confidence;

Out of hurry, may come the willingness to wait;

Out of frustration, rest and power.

This we ask in Your Name.

AMEN.

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.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PETE GOICOECHEA, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515

February 5, 2015

THE HONORABLE MICHAEL ROBERSON, *Majority Leader*, State of Nevada Senate

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

DEAR MAJORITY LEADER ROBERSON:

Please accept this letter as a formal request to address the Nevada Legislature at the joint session held on the evening of Monday, March 30, 2015 at 5:00 P.M.

If further action or information is necessary, please do not hesitate to contact me or my deputy chief of staff Caitlin Callahan at 202.590.7512.

Thank you for your consideration of this request.

Sincerely,

JOE HECK, DO

*Member of Congress*

UNITED STATES SENATE  
WASHINGTON, D.C. 20510

February 10, 2015

THE HONORABLE MICHAEL ROBERSON, *Majority Leader*, State of Nevada Senate  
Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MAJORITY LEADER ROBERSON:

This letter serves as my formal request to address a joint session of the Nevada Legislature on Monday, April 6, 2015 at 5:00 p.m. It is my understanding that this date is available. Should you have any further questions, please call Ashley Carrigan, my state director, at 775.686.5770.

I thank you in advance for this opportunity and look forward to seeing you on April 6.

Sincerely,  
DEAN HELLER  
*United States Senator*

#### MOTIONS, RESOLUTIONS AND NOTICES

By Senator Hardy:

Senate Joint Resolution No. 6—Amending the Nevada Constitution to revise the method for determining the minimum wage.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 16 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec. 16. A. Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section. The rate shall be five dollars and fifteen cents (\$5.15) per hour worked, if the employer provides health benefits as described herein, or six dollars and fifteen cents (\$6.15) hour if the employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer [.] *or not more than 10 percent of the federally designated level signifying poverty for a family of four persons based on the guidelines established in the Federal Register by the United States Department of Health and Human Services in effect on the immediately preceding February 1, whichever is greater.* These rates of wages shall be adjusted by the amount of increases in the federal minimum wage over \$5.15 per hour, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2004 of the Consumer Price Index (All Urban Consumers, U.S. City Average) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. No CPI adjustment for any one-year period may be greater than 3%. The Governor or the State agency designated by the Governor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all employers and to any other person who has filed with the Governor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this section. An employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by employees shall not be credited as being any part of or offset against the wage rates required by this section.

B. The provisions of this section may not be waived by agreement between an individual employee and an employer. All of the provisions of this section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section. An employer shall not discharge, reduce the

compensation of or otherwise discriminate against any employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section. An employee claiming violation of this section may bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

C. As used in this section, "employee" means any person who is employed by an employer as defined herein but does not include an employee who is under eighteen (18) years of age, employed by a nonprofit organization for after school or summer employment or as a trainee for a period not longer than ninety (90) days. "Employer" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts of employment.

D. If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this section.

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

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Senator Brower:

Senate Bill No. 135—AN ACT relating to witnesses; providing judicial discretion as to the disclosure of a writing used to refresh a witness's memory before testifying; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 136—AN ACT relating to criminal offenders; providing for the continuation of the diversion program that allows certain probation violators to receive treatment for alcohol or drug abuse or mental illness in lieu of revocation of probation; and providing other matters properly relating thereto.

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

Motion carried.

Senate in recess at 11:15 a.m.

#### SENATE IN SESSION

At 11:18 a.m.

President Hutchison presiding.

Quorum present.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 137—AN ACT relating to insurance; designating a plan for dental care as the primary policy for certain dental procedures; prohibiting an insurer or organization for dental care from denying a claim on the basis that another insurer has liability to pay the claim; prohibiting an insurer or organization for dental care from requiring that a claim be submitted directly to a secondary insurer under certain circumstances; requiring that a joint determination be made on a claim within a certain period; prohibiting the purchase or sale of a qualified health care plan on the Silver State Health Insurance Exchange if the plan includes an embedded pediatric dental plan; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 82 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 90.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 90 allows a member of the State military forces to demand a trial by court martial before imposition of any punishment including a non-judicial punishment such as suspension from duty, forfeiture of pay, or reduction in pay grade. The people who are in charge of military justice brought this to us, and it is a good thing for the individual pilot, soldier or member of the military.

Roll call on Senate Bill No. 90:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 90 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

## REMARKS FROM THE FLOOR

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

## SENATOR HAMMOND:

Every fall, we gather around our TV sets and enjoy the youthful enthusiasm of sports as we watch Little League World Series unfold. This past year was doubly exciting for Nevada, especially for the Las Vegas area and for my district, District 18. We had the Mountain Ridge Little League team represent not only our area, but also the State in the Little League World Series. In the United States portion of the Series, this team made it all the way to the championship game and then fell just short of winning that game by a score of 7 to 5.

In recent news, we have heard of problems relating to the team from Chicago that eventually won the title. Unfortunately, that team has been stripped of its championship title, and the title has been given to the Mountain Ridge Little League Team. I would like to congratulate them on this.

I have spent time with some of the young men on the Mountain Ridge team. My son played on two teams during his younger years and some of these players were on his team. They are great young men being coached by great coaches. The coach of this team has helped them learn many important lessons including integrity, honesty, hard work, sportsmanship and an ethic to go out and play the game because they love it. You can tell this from the players. Recently, the Mountain Ridge coach, Mr. Ashton Cave, made an announcement he feels the title should remain blank for this year. He does not think his team earned the title. I like the statement about the intent to leave the title blank. It reminds others that this is a game to be played from the heart. You are not supposed to bend the rules, make exceptions or try to find ways to win. It is all about playing for the game's sake. When we watch those young 11 and 12-year-olds play the game, they play because they love the game, and I appreciate that. I congratulate that team on their successful run; they are a very successful team.

I also want to share the passing of a great college coaching legend, Jerry Tarkanian, who passed away this morning. I grew up in the 1980s and 1990s, a time when college basketball really came into its own. The Big East had suddenly become a powerhouse and the ACC had coaches like Lou Carnesecca and Dean Smith.

Sometimes, we mark our lives in passages; we tend to remember events or things that were happening at certain times. For me, college basketball is what I remember about the 1980s. I watched Ralph Sampson and had a big poster in my locker of that 7-foot, 4-inch giant. I could not get enough of college basketball. For Las Vegas, it did not get any bigger than Jerry Tarkanian and the Running Rebels of the early 1990s. He took that team to four Final Four tournaments, winning one in 1990. He put the "Running" in Running Rebels. He was a great coach and was bigger than life. It is sad news to hear of his passing. He had a great life. I have met many of the members of his family and they are great members of the community. He has given much back to the community—not only did he give us "Gucci Row," but he gave us many other things as well. I would like to recognize Jerry Tarkanian on this day. Our hearts and prayers go out to his family.

## SENATOR HARDY:

As we get older, we are replaced by the youth. Today, the Senate has the opportunity to recognize the Boys and Girls Clubs of Nevada. There will be six youth, each from a different community, visiting the Legislature at 2:30 this afternoon. They are: Destiny Nebeker representing Elko; Abel Edossa representing Las Vegas; Autumn Cuellar representing Carson City; Jeffery Valladares representing Yerington; Nikta Cleveland representing Reno and Caleb Franceschini representing the Nellis Air Force Base.

These youth are finalists in the annual competition for Nevada Youth of the Year. The winner will be named tonight at a celebration being held at the Governor's Mansion. You are each invited to attend, and if you cannot attend, you are encouraged to send a representative.

These youth have all done a wonderful job. If you see one of them in the hall this afternoon, please shake their hand and impress them with the fact that a Legislator not only wants to know them but also congratulates them.

SENATOR MANENDO:

I want to echo the remarks of my colleague from Senate District 18 and give my thoughts and prayers to the Tarkanian family. When I was young and lived in Pennsylvania, I used to watch the Rebels play basketball. I had no idea at that time I would end up living in Las Vegas. When my family moved here, we were in awe of going to the games in the "Rotunda." Back in those days, there was no shot clock and there was no three-point line, yet Coach Tarkanian had teams that averaged 108 points a game. They were known as the "Hardway Eight," essentially a pro team playing in college.

Coach Tarkanian gave individuals hope for their future when there were people who did not think much of some of our athletes. These athletes were wonderful people. They gave back to the community and excelled in the classroom. I think back to building the Thomas & Mack Center, the "house that Tark built." I believe in my heart my father lived a little bit longer because he looked forward to watching the Rebels play basketball.

As my colleague from Senate District 18 said, sports really do matter and they mean a lot. I know they mean a lot to my family, and I am sad to hear of the passing of the great Jerry Tarkanian—Tark the Shark. He will absolutely be missed and will be in the hearts and prayers of the people of this State and throughout the Country. I am thinking of his family, especially his wife Lois who is a wonderful person. God bless them all.

SENATOR BROWER:

I would like to echo the comments of my colleague and relate my remembrances of Jerry Tarkanian. Most people think of the 1990 National Championship year; those who have been around a little longer may think of the 1977 season. That was the season that put UNLV basketball and Jerry Tarkanian on the map. They beat an undefeated USF team that was a dominant power at the time and made it to the Final Four. That Final Four, for a boy from Milwaukee who had recently moved to Las Vegas with his family, was the dream Final Four because it included Marquette, UNLV, UNC-Charlotte and the evil empire, UNC. Unfortunately, UNC got the better of the Rebels and beat them in the semi-finals, but my Marquette Warriors avenged that loss and beat UNC in the final. It is that season that I will always remember. I do not remember going to games as a child, but I watched them on TV. A lot of the players who found their way to "Tumbleweed Tech," as it was derisively called in the sports media of the time, were from neighborhoods similar to those many of us grew up in. They came from the same type of neighborhood, and they had the same type of background as we did. They had no shot at attending college until Jerry Tarkanian noticed them, invited them to UNLV and gave them a chance. I know there are many former players who are remembering him in that way today. He will be missed.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Jeannine Warner.

Senator Roberson moved that the Senate adjourn until Thursday, February 12, 2015, at 11:00 a.m., and that it do so in memory of former UNLV Basketball Coach Jerry Tarkanian.

Motion carried.

Senate adjourned at 11:35 a.m.

Approved:

MARK A. HUTCHISON  
*President of the Senate*

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