

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 25, 2015

Senate called to order at 11:02 a.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Father in Heaven,

As we come to You in the middle of our workweek, I would ask, Lord, for You to become the middle, the center part; not just of our week, but of our very lives.

I pray in the Name of the One who asked us to seek first Your kingdom and Your righteousness.

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 Education, to which was referred Senate Bill No. 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BECKY HARRIS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 24, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 123.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Brower:

Senate Bill No. 191—AN ACT relating to criminal procedure; revising provisions relating to the return of seized property; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Harris, Brower, Roberson, Farley, Denis, Goicoechea, Gustavson, Hammond, Hardy, Lipparelli, Settlemeyer, Woodhouse; Assemblymen Hambrick and Seaman:

Senate Bill No. 192—AN ACT relating to crimes; providing that certain employees of or volunteers at a school who are convicted of engaging in sexual conduct with certain pupils are subject to various statutory provisions

relating to sex offenders; providing that certain employees of a college or university who are convicted of engaging in sexual conduct with certain students are also subject to various statutory provisions relating to sex offenders; revising provisions relating to certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; prohibiting certain employees of or volunteers at a school from engaging in sexual conduct with a pupil who is 18 years of age; prohibiting certain employees of a college or university from engaging in sexual conduct with a student who is 18 years of age; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 193—AN ACT relating to compensation; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 194—AN ACT relating to industrial insurance; revising the threshold cost of a construction project at which a private company, public entity or utility may establish a consolidated insurance program; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 195—AN ACT relating to education; revising provisions relating to tuition charges for attending a campus of the Nevada System of Higher Education assessed against students whose families do not reside in this State; requiring a student who receives a Governor Guinn Millennium Scholarship to perform community service; creating the Office of the Western Regional Higher Education Compact within the Office of the Governor; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 123

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 37.

Bill read third time.

Remarks by Senator Brower.

Senate Bill No. 37 provides that an electronic monitoring system used by the Division of Parole and Probation to supervise a probationer or parolee may be capable of using the Global Positioning System to record or transmit the probationer's or parolee's location and produce, upon request, reports on the probationer's or parolee's presence at or near a crime scene or prohibited area, or his or her departure from a specific geographic area. This bill passed out of the Judiciary Committee unanimously, and I urge your support. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 37:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 37 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 96.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. This floor statement is longer than the bill; however, I still urge passage. Senate Bill No. 96 expands and clarifies the authorized uses of money contained in the Fund for New Construction of Facilities for Prison Industries to include a long list of potential uses. The current definition, which is in statute, is considerably shorter and created some confusion and caused delays in the past. This bill would allow for the relocating, expanding and modifying or improving an existing program; purchasing or leasing equipment; paying for the operation of prison industries, including payroll and the paying of staff and offender wages when necessary; and paying for advertising and promotion of prison industry goods and services. I urge your passage.

Roll call on Senate Bill No. 96:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 96 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115.

Bill read third time.

Remarks by Senators Hardy, Kieckhefer, Atkinson, Denis, Goicoechea and Parks.

SENATOR HARDY:

Senate Bill No. 115 requires the members of the town advisory board in the unincorporated towns of a county whose population is 700,000 or more and that are located 25 miles or more from an incorporated city whose population is 500,000 or more be elected. If there are any seats left vacant after the election, then the board of county commissioners shall make appointments to fill those seats. This measure is effective on October 1, 2015.

SENATOR KIECKHEFER:

This sounds very specific. Are there any jurisdictions that meet this definition?

SENATOR HARDY:

Moapa, Moapa Valley, Bunkerville, Searchlight, Laughlin and Sandy Valley meet this definition. Based on where it is measured, I do not believe Indian Springs meets the definition. I believe it is within the city limits of Las Vegas.

SENATOR ATKINSON:

Will this bill create current town advisory boards with membership that is both appointed by the county commission or other city official and elected? Some of my constituents are concerned about this.

SENATOR HARDY:

Until current members are termed out, there will be boards having members that are appointed and elected. There will also be a mixture if there is a situation where there were not enough people to run for an election. Positions not filled by an election will be filled by those appointed by the county commission. These members should be able to serve well together.

SENATOR ATKINSON:

I have a concern about advisory boards consisting of both elected and appointed individuals. These boards have a say in what happens in their communities. At times, they do not realize they are advisory. If there is a rogue, appointed member, the County Commission or City Council cannot remove that member according to the language in this bill. This is a concern for me, and I will be voting no on this bill.

SENATOR DENIS:

Will some individuals currently finish out the term to which they have been appointed?

SENATOR HARDY:

Yes, there will be some overlap of appointed and elected members. We will not make anyone resign.

SENATOR DENIS:

Will these boards still be advisory?

SENATOR HARDY:

Yes. They will still be advisory.

SENATOR DENIS:

Why was this bill proposed? Were there issues that caused it to happen?

SENATOR HARDY:

This is America—we vote. People like to be represented by the people for whom they vote.

SENATOR DENIS:

Thank you.

SENATOR GOICOECHEA:

I rise in support of Senate Bill No. 115. I represent two or three of those locations, depending on whether Indian Springs qualifies. It is appropriate that the local community has a say in who represents them, whether this representation is advisory or otherwise. I understand the concern

about the mixed makeup of the board, but the bottom line is the local community should select who represents them on an advisory board. I ask you to support this bill.

SENATOR PARKS:

As the good Senator from District 12 said, "This is America." There is, however, one limitation. If you want to run for an office, you must file to run. You need to pay a filing fee and complete campaign and contribution expense reports. Current advisory boards do not require this. This would be an added responsibility for people choosing to be on these boards.

Roll call on Senate Bill No. 115:

YEAS—18.

NAYS—Atkinson, Spearman—2.

EXCUSED—Smith.

Senate Bill No. 115 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 124.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 124 authorizes the State Gaming Control Board to allow a gaming licensee to move its establishment to a location within one mile of its existing location and transfer its non-restricted license if the move and transfer are necessary because the existing location is adjacent to a military installation and the federal government has deemed the land in question necessary for the expansion of the military installation. This is in regards to one location presently, but it could, in the future, be other locations. Presently, it involves the casino in Indian Springs. They are acting in good faith with the military and decided to come to a conclusion on selling their land so that the military can expand their base. Now, they want to move their casino and found out they cannot do it because instead of being either foreclosed on our having the land taken they negotiated in good faith. I urge your passage. This is a huge economic development for that community, and I appreciate your support. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 124:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 124 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134

Bill read third time.

Remarks by Senators Brower and Segerblom.

SENATOR BROWER:

Senate Bill No. 134 limits the amount of a bond that an appellant must pay to secure a stay of execution of judgments in certain cases. This is another bill that was passed unanimously out of the Judiciary Committee, and I urge your support.

SENATOR SEGERBLOM:

Thank you, Mr. President. I rise in opposition to this bill. It seems to me it kind of flips things on its head. If I, as an individual, had a \$100,000 judgment, I would have to post a full bond, but

someone else who has a \$500-million judgment against him only has to post a \$50-million bond. Therefore, it seems like we are reverse Robin Hood here. We are helping the rich and hurting the poor so I oppose the bill.

Roll call on Senate Bill No. 134:

YEAS—18.

NAYS—Parks, Segerblom—2.

EXCUSED—Smith.

Senate Bill No. 134 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 136.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Senate Bill No. 136 makes permanent the Department of Corrections' pilot diversion program, which allows certain probation violators to enter drug, alcohol or mental illness treatment programs in lieu of having their probation revoked. A good bill; an important bill. Another unanimous bill out of the Judiciary Committee. I want to thank the Committee for its hard, diligent and unanimous work on all of the bills that were up today, so far. I also want to thank our colleague from Senate District 4 in advance for his appreciation and thanks for the bi-partisan unanimous work that the Judiciary Committee is doing thus far.

Roll call on Senate Bill No. 136:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 136 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

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 Leslie Peek.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to members of the Nevada Nurses Association: Nicki Aaker, Christine Aramburu, Linda Baird, Maureen Barnes, Kristen Bartek, Kevin Basta, Karen Beattie, Jeff Belcher, Olga Bennett, Amy Bitto, Caysea Blum, Kylie Bohlke, Barbara Bowes, John Buehler, Elizabeth Cassinos, Zvonimir Cavka, Jackie Chapman, Jenny Chevez, Debra Collins, Cherie Conley, Elaine Cudnik, Margaret Curley, Amanda Curren, Katherine Cylke, Cynthia Davis, Keesha Davis, Janet Dexter, Cathy Dinauer, Denise Dorsa, Lisa Dunkelberg, Joan Dwelley, Robyn Elson, Jackie Ferdowsali, Sara Frank, Glenn Hagerstron, Sara Hansen, Bethany Hinchliffe, Melinda Hoskins, Melaina Hutcherson, Omon Isiramen, Christopher Jeffers, Pamela Johnson, Shannon Johnson, Sara Jones, Estrellita Kelley, Amanda Kelly, Susan Kennedy, Monica Koppit, Lavonne Lambert, Vicky Lang-Catlin, Melissa Lanier, Savannah Larabee,

Peggy Lee, Jessica Logan, Bernadette Longo, Aimee Lopes, Natasha Lukasiwick, Kenneth Luke, Jean Lyon, Cassandra Machler, Kelly Marisa, Marcelle Marlow, Janelle Martin, Jennifer McCoun, John McElveney, Diane McGinnis, Todd McIntosh, Jamie Meadows, Kellie Menenzes, Ann Meyer, Vicki Mitton, Londa Moore, Lori Moyle, Shelly Nicola, Sandra Olguin, Andrea Palosaari, Amy Pang, Divyang Patel, Linda Paulic, Lisa Plourde, Catherine Prato, Joseph Roche, Fiona Rodrigues, Sara Rogers, Patsy Ruchala, Chris Sansom, Linda Saunders, Julia Sbragia, Debra Scott, Teresa Serrat, Bobbi Shanks, Angela Shea, Melissa Sberico-Ravencroft, Megan Sredy, Maureen Sullivan, Stephen Swanson, Nathaneal Tarazon, Shendry Thom, Susan VanBeuge, Ashley Vazeen, Sarah Warmbrod, Jean Ann Westfall, Crystal Williams, Rene Wood, Sean Wood, Tyler Wood, Lisa Woodall, Linda Zahrt, and Lauren Zeffaro.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Linda Cirillo.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Ashley Dyal and Heidi Wixom.

On request of Senator Segerblom, the privilege of the floor of the Senate Chamber for this day was extended to Elizabeth Leon.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Daphne Girod.

Senator Roberson moved that the Senate adjourn until Thursday, February 26, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:33 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate