

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 5, 2015

Senate called to order at 11:18 a.m.

President Hutchison presiding.

Roll called.

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

Prayer by the Chaplain, Pastor Nick Emery.

What a privilege it is to come before You this day and to pray over our State and our Senators these promises of God, so we thank You, Lord, for today, for the opportunity to continue to work and serve and live out Your promises for our lives.

May we this day, hold close to Your promise from your Holy Word in 2 Peter 1:4 which says: "He has granted to us His precious and magnificent promises, so that by them, we may become partakers of the divine nature, having escaped the corruption that is in the world by lust."

Lord, everything that goes into our lives should be pleasing to You because it has been miraculously given to us by getting to know You personally and intimately. It is the best invitation we have ever received. It is the divine promise of participation in a life with God, forever. Thank You for this promise, this day!

We pray these things in the mighty Name of Jesus Christ our Lord.

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 Health and Human Services, to which were referred Senate Bills Nos. 31, 107, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH P. HARDY, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 4, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 64, 82; Assembly Bills Nos. 78, 110, 155.

SUSAN FURLONG
Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Hammond, Lipparelli, Gustavson, Harris, Farley, Denis and Goicoechea:

Senate Bill No. 212—AN ACT relating to education; authorizing the superintendent of schools of a school district to allow a modification to the requirement that a pupil be suspended or expelled from public school for certain acts; revising provisions governing the crimes of disturbing the peace at a public school and assault on a pupil or school employee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 213—AN ACT relating to state financial administration; requiring the Chief of the Budget Division of the Department of Administration to maintain a database of certain information relating to federal assistance received by agencies of the Executive Department of the State Government; requiring the Chief to prepare an annual report that contains information relating to federal assistance programs; requiring the Fiscal Analysis Division of the Legislative Counsel Bureau to prepare an advisory report containing information with respect to federal assistance programs; requiring the Chief to submit annually both reports to the Governor and the Legislature; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 214—AN ACT relating to state financial administration; creating the Nevada Advisory Council on Federal Assistance; providing for the membership, powers and duties of the Council; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Ford, Kihuen, Spearman, Atkinson, Parks, Denis, Manendo, Woodhouse; Assemblymen Kirkpatrick, Benitez-Thompson, Elliot Anderson, Carlton, Thompson, Araujo, Bustamante Adams, Carrillo, Diaz, Flores, Joiner, Munford, Neal, Ohrenschall, Spiegel, Sprinkle and Swank:

Senate Bill No. 215—AN ACT relating to student loans; requiring the Director of the Department of Business and Industry to develop and carry into effect a program to provide loans to residents of this State to refinance certain student loans; authorizing the issuance of revenue bonds to pay the cost of the program; requiring the Director to compile and disseminate certain information about private lending institutions that make student loans to residents of this State; requiring the Director to prepare informational material relating to student loans, and providing for the distribution of that material by postsecondary educational institutions; requiring the Director to prepare reports relating to the amount of indebtedness incurred for student loans by students attending educational institutions in this State; requiring postsecondary educational institutions in this State to provide certain financial information to persons who apply for admission to those

institutions; repealing provisions relating to an existing student loan program that is assigned to the State Board of Education for administration; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Segerblom:

Senate Bill No. 216—AN ACT relating to public health; requiring the Department of Health and Human Services to collect certain information concerning potentially preventable readmissions to a hospital; requiring the Internet website established and maintained by the Department that provides information concerning the charges imposed and the quality of health care provided by hospitals and surgical centers for ambulatory patients to include such information concerning potentially preventable readmissions to a hospital; requiring each hospital to prepare and make public a list of average rates billed to insured patients; prohibiting a hospital from charging certain low-income patients more for medically necessary goods and services than the average rate billed to insured patients for such goods and services; making an appropriation; and providing other matters properly relating thereto.

Senator Ford moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Kieckhefer, Hardy and Roberson:

Senate Bill No. 217—AN ACT relating to health care; prohibits policies of health insurance and health care plans from denying coverage for topical ophthalmic products under certain circumstances; authorizing a pharmacist to dispense multiple refills of topical ophthalmic products under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Parks:

Senate Bill No. 218—AN ACT relating to motor vehicles; requiring the manufacturer of a new motor vehicle equipped with vehicle telematics technology to make certain disclosures to the purchaser of the vehicle; requiring the manufacturer of a new motor vehicle to provide a purchaser with the ability to opt out of the generation, recordation, collection and transmission of information by vehicle telematics technology installed within the vehicle; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Hardy:

Senate Bill No. 219—AN ACT relating to insurance; requiring policies of health insurance and health care plans to treat an abuse-deterrent opioid analgesic drug in the same manner as a non-abuse-deterrent opioid analgesic drug under certain circumstances; requiring policies of health insurance and health care plans to disclose certain incentives paid to providers; 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.

By Senators Woodhouse, Denis, Ford, Kihuen, Parks, Atkinson, Harris, Manendo, Roberson, Spearman; Assemblymen Stewart, Swank, Diaz and Carlton:

Senate Bill No. 220—AN ACT relating to education; requiring instruction on financial literacy for pupils enrolled in middle school and junior high school in each school district and in each charter school that operates as a middle school or junior high school; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Manendo:

Senate Bill No. 221—AN ACT relating to common-interest communities; providing that an association may not unreasonably restrict the addition of fence rollers that are attached to certain walls in a common-interest community under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Atkinson:

Senate Bill No. 222—AN ACT relating to health insurance; limiting the copayment or coinsurance required to be paid by certain persons for prescription drugs; requiring certain policies of health insurance and health care plans that provide prescription drug coverage to provide an exception process for prescription drugs which are not included in the formulary of the policy or plan; prohibiting certain policies of health insurance and health care plans from placing all prescription drugs in a given class within the highest cost tier of the plan; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 78.

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

Motion carried.

Assembly Bill No. 110.

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

Motion carried.

Assembly Bill No. 155.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 35.

Bill read second time and ordered to third reading.

Assembly Joint Resolution 3.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 10.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 10 provides that the Division of Public and Behavioral Health, Department of Health and Human Services, may establish a program whereby certain defendants who have been declared incompetent to stand trial or receive judgment, yet have been determined not to be dangerous to themselves or others, would be treated to competency while in jail or prison. If the Division establishes such a program, it must specify the qualifications for participation and the types of treatment that will be made available.

If treatment includes forced medication, regulations adopted to establish the program must require that a determination be made that the medication is medically appropriate; unlikely to have side effects that will undermine the fairness of a trial; necessary to further governmental interests after accounting for available alternatives; and required staffing must be available at any facility that participates in such a program. The regulations must also provide that the program be independently monitored and lay out the manner in which the program will be held accountable. Finally, the regulations must ensure that appropriate access to a court is provided in order to challenge such a determination.

Roll call on Senate Bill No. 10:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 10 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 35.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 35 ratifies the Interstate Compact on Mental Health. The measure: adopts the language necessary for Nevada to enter the Compact; appoints the Administrator of the Division of Public and Behavioral Health to serve as the Compact Administrator; requires the Administrator to cooperate with other government entities, enter into certain agreements, and adopt regulations necessary to carry out the Compact; requires any conflict between the provisions of the Compact and provisions of Nevada law to be resolved in favor of the provisions of the Compact; provides that the Compact shall not be construed to abrogate certain rights of consumers of mental health services; requires that agreements for the return of consumers of mental health services to their states or counties of residence comply with the provisions of the compact; and requires the Administrator of the Division of Child and Family Services to comply with agreements made by the Administrator of the Division of Public and Behavioral Health pursuant to the Compact. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 35:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 35 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45.

Bill read third time.

Remarks by Senators Settelmeyer and Goicoechea.

SENATOR SETTELMEYER:

Senate Bill No. 45 provides that the State Conservation Commission may distribute grants to conservation districts in unequal amounts if: 1) the grants are for a specific competitive grant program for which the Legislature expressly appropriated money; and 2) the competitive grant program is governed by regulations, specifically adopted to govern the program, that expressly state that grants may be distributed in unequal amounts. This bill is effective upon passage and approval.

SENATOR GOICOECHEA:

I want to make clear that this law does not change the fact that the 28 conservation districts do, in fact, receive an operating grant that is issued on an equal basis.

Roll call on Senate Bill No. 45:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 45 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63.

Bill read third time.

Remarks by Senator Atkinson.

Senate Bill No. 63 relates to the Nevada Indian Commission. The bill designates the Commission as the coordinating agency for discussions among the Commission, State agencies and local governmental entities regarding activities and uses of the former Stewart Indian

School. The bill creates the Nevada Indian Commission's Gift Fund, a special revenue fund, which is a continuing fund without reversion to the State General Fund. All gifts or grants of money or other property that the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund, unless specifically accounted for in another fund. Any gifts of property, other than money, may be sold or exchanged when deemed by the Executive Director of the Commission to be in the best interest of the Commission, but the sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the Executive Director. This measure is effective on July 1, 2015. I urge passage of this bill.

Roll call on Senate Bill No. 63:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 63 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 109 authorizes a board of county commissioners to initiate proceedings to sell or lease a county-owned telephone system by adopting a resolution to evaluate the propriety of receiving offers for the sale or lease of the system and without the requirement of holding a primary or general election or obtaining approval of the registered voters of the county. The bill requires a board of county commissioners that adopts such a resolution to receive offers to sell a county-owned telephone system to contract with an expert to market and sell or lease the telephone system in a commercially reasonable manner, removing the requirement for newspaper advertisements. The board is not required to accept the highest bid but must consider other factors, including the return on investment to the county, the preservation of jobs, future revenue and local control of the telephone system. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 109:

YEAS—19.

NAYS—None.

EXCUSED—Segerblom, Smith—2.

Senate Bill No. 109 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 signed Senate Bill No. 90.

REMARKS FROM THE FLOOR

Senator Hardy requested that his remarks be entered in the Journal.

Thank you, Mr. President. I have with me Darwin Huckeba, who is a member of the ancient order of E Clampus Vitus. It is only fair to give you some history because their organization is a historical organization. First, the "E" does not stand for anything that we know of. "Clampus", I cannot remember what that means. "Vitus" is named after Saint Vitus, who became a Christian, probably much to the dismay of his father, who was a Roman senator back in the day.

There are 43 chapters, in largely the western states or any state that has "west" in its name as in West Virginia, where it actually was started by a fellow who ran part of the Underground Railroad during the Civil War. He later became Governor of West Virginia. Speaking of Governors, we have a present Governor who is a registered member of E Clampus Vitus. The order that we are familiar with here is called the Snowshoe Thompson Chapter. It is one of 43 chapters. We would like to make, not only Darwin feel welcome, but any of the others who did so well at pledging Allegiance to the Flag.

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 students from Winnemucca Elementary School: Karson Avalos, Eidy L. Berbera, Autumn M. Bray, Tristan S. Briggs, Kirra P. Claudio, Adrian M. Duclayan, Kaitlyn A. Dunkley, Jerry L. Ford, David Hernandez Lopez, Anna L. Lane, Isaiah C. Loehr, Alyssa L. Maehara, Mario A. Martinez, Ryen M. McGraw, Maxwell K. Musni, Connor L. Ott, John W. Patterson, Timothy D. Payne, Lily B. Richmond, Adriana R. Rios, Drake J. Romero, Jaelyn Stone-Spilman, Jemma Tabassum, Samuel V. Trujillo, Alaina A. Wagner, Liliana Yracheta-Brown, Carmina Chaelle Aglubat, Maeheg P. Ahmed, Jayden M. Almond, Isabella M. Alosi, Bridget H. Bowser, Yandel Callejas Bonilla, Anthony J. Casali, Patrick L. Coke, Chase Coto Bonilla, Diego Hernandez Lopez, Brent G. Hurley, Zaara Islam, Daimaeon A. Kelley, Gavin M. Lorman, Troy K. Martin, Seth N. Miller, Sky R. Miller, Tetiare Pedro-Cabanada, Mya C. Phillips, Rashin H. Raisa, Bianca Rico-Gonzalez, Alexander J. Robinson, Deysi Y. Rodriquez, Miles M. Rogers, Michael G. Root, Lucille I. Ryan, Princess M. Solorio, Cooper A. Tiehm, Donnell M. Walker, Sarah Bowser, Christy Aker-Minetto, Josh Chen, Kelli Fast, Brianna Davila, Teri Llamas, Kaitlynn De La Vergne, Brittany Dellamonica, Alexis Dellamonica, Elizabeth Gagnon, Maurissa Grady, Rhyan Gutierrez, Kylee Harris, Samuel Hull, Gavin Lane, Zachary Llamas, Tye Luck, Ryner Manalo, Kayla Martinez-Rogers, Ethan McNamara, Gianna Pignetti, A J Plechner, Domonique Prado, Elizabeth Rice, Nurul Sami, Camila Schiebert, Areli Valdez, Lillyanna Venegas, Kaylin Walker, Dylan Brown and Donovan Jones.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to the Future Farmers of America: Seth Beaton, Trase Bell, Catarina Brown, Jennifer Cervantes, Cole Crim, Blake Duncan, Cassie Ehleringer, Abby Estes, Crystal Hubbard, Tessa Hubert, Chelsea James, Deseret Johnson, Bailey Kesl, Caden Lehman, Marikate Lewis, Shantel Lister, Kaylie Machutta, Blane Merkle, Josey Moore, Branden Muns, Kellie Rogaczewski, Shea Scandrol, Cody Stirling, Nora Streng, Raymond Thompson, Daved Wilson, Brieanna Wooden, Josy Wortman, Matt Yenne, and Leigha Zeisler.

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

On request of Senator Kihuen the privilege of the floor of the Senate Chamber for this day was extended to E Clampus Vitus: Chris Barkley, Rick Carpenter, Tom Clark, Jim Crowe, Shane Davis, Mike Eckley, Sean Fannin, John Ferdinand, Leevon Gibson, Asa Gilmore, Zach Hauptman, John Harding, Matt Medeiros, Eli Morse, Tim Pearce, Jack Prien, Alan Roberto, Jerry Robich, Jay Robinson, Fred Scruggs, Beau Vallory, Lance Vallory, Jason Walker, Brandon Wilding, Patrick Wilson, and Joe Zamora.

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

Senator Roberson moved that the Senate adjourn until Friday, March 6, 2015, 11:00 a.m.

Motion carried.

Senate adjourned at 11:46 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate