

**THE NINETY-THIRD DAY**

---

CARSON CITY (Tuesday) May 5, 2015

Senate called to order at 12:56 p.m.

President pro Tempore Hardy presiding.

Roll called.

All present except Senators Kihuen and Lipparelli, who were excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

My Heavenly Father, we come to You, today, asking for Your guidance. Guide our State Senators as they lead us and seek ways to improve our State. Lord, we ask for Your hand of blessing to be on them and their families as they lead us. Protect them from discouragement and distractions that might steer them away from the path to which you have called them. Lead them in a direction of truth that brings about genuine peace, unity and freedom for the people of Nevada.

Father, we pray these things in the precious Name of Jesus.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

*Mr. President pro Tempore:*

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 28, 39, 41, 42, 52, 99, 222, 424, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOSEPH P. HARDY, *Chair*

*Mr. President pro Tempore:*

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 61, 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PATRICIA FARLEY, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 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. 23, 43, 159, 200, 205, 217, 263; Senate Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendments Nos. 261, 583 to Assembly Bill No. 78.

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

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Hammond, Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Roberson, Segerblom, Settlemeyer, Smith, Spearman, Woodhouse; Assemblymen Kirkpatrick, Elliot Anderson, Paul Anderson,

Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler and Woodbury:

Senate Concurrent Resolution No. 8—Commemorating the 30th anniversary of the sister-state relationship between the State of Nevada and Taiwan.

Senator Hammond moved the adoption of the resolution.

Remarks by Senator Hammond.

Senate Concurrent Resolution No. 8 commemorates 2015 as the 30th Anniversary of the Sister-State relationship between Nevada and Taiwan. This resolution recognizes the longstanding ties our State has had with the people of Taiwan. For over 30 years, Nevada has been a steadfast friend to Taiwan, and in October of 1985, this friendship was officially recognized when the Legislature extended an invitation to Taiwan to become our Sister-State.

The purpose of the Sister-State concept has been to foster greater friendship and understanding between the people of the United States and other nations. Through this particular relationship, Nevada has shown its support, encouragement and admiration for Taiwan, and they have also demonstrated their commitment and regard for Nevada as well. Tokens of this esteem can be seen firsthand in the metal State seals which are displayed on the exterior walls of our Legislative Building and in several paintings that hang in our hallways, all of which were gifts from Taiwan.

During the past 30 years, the Legislature has, through numerous resolutions, expressed its continuing regard and gratitude for the Sister-State relationship, and both the governments and peoples of Nevada and Taiwan have benefited. Our commercial ties with Taiwan have also been mutually beneficial as a result of this relationship, so much so that Taiwan is now one of our State's largest trading partners, with millions of dollars in trade occurring every year.

I urge your support of this resolution recognizing 30 years of friendship and expressing Nevada's gratitude.

Resolution adopted.

Senator Hammond moved that all necessary rules be suspended and that the resolution be immediately transmitted to the Assembly.

Motion carried.

Resolution ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 1:05 p.m.

SENATE IN SESSION

At 1:06 p.m.

President pro Tempore Hardy presiding.

Quorum present.

Senator Kieckhefer moved that Assembly Bill No. 137 be taken from the Secretary's desk and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 658.

SUMMARY—~~[Revises provisions governing transfers to and]~~ Requires the transfer of certain money from the Account to Stabilize the Operation of the State Government ~~[ ]~~ to the State General Fund. (BDR ~~[31-1213])~~ S-1213)

AN ACT relating to state financial administration; ~~[revising provisions governing transfers to and]~~ requiring the transfer of certain money from the Account to Stabilize the Operation of the State Government ~~[ ]~~ to the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Account to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is an account into which surplus state revenues are deposited to be used in case of fiscal emergencies. ~~[Under existing law, the State Controller is required to transfer from the State General Fund to the Account to Stabilize the Operation of the State Government at the beginning of each fiscal year that begins on or after July 1, 2015, one percent of the total anticipated revenue projected for that fiscal year by the Economic Forum in May of odd numbered years, as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year. (NRS 353.288) Section 1 of this bill delays the commencement of those transfers until July 1, 2016. Section 2 of this]~~ This bill transfers the current balance in the Rainy Day Fund to the State General Fund.

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

Section 1. ~~[NRS 353.288 is hereby amended to read as follows:~~

~~353.288 1. The Account to Stabilize the Operation of the State Government is hereby created in the State General Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the Account to Stabilize the Operation of the State Government:~~

~~(a) Forty percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments,~~

~~institutions and agencies of State Government and for the funding of schools; and~~

~~—(b) Commencing with the fiscal year that begins on July 1, [2015,] 2016, 1 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (c) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.~~

~~—2. Money transferred pursuant to subsection 1 to the Account to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.~~

~~—3. The balance in the Account to Stabilize the Operation of the State Government must not exceed 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Account to Stabilize the Operation of the State Government.~~

~~—4. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government during the previous quarter. The State Controller shall not transfer more than \$500,000 for any quarter pursuant to this subsection.~~

~~—5. The Chief of the Budget Division of the Department of Administration may submit a request to the State Board of Examiners to transfer money from the Account to Stabilize the Operation of the State Government to the State General Fund:~~

~~—(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or~~

~~—(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.~~

~~—6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.~~

~~—7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State~~

~~Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.~~

~~8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the money in the Account to Stabilize the Operation of the State Government may be allocated directly by the Legislature to be used for any other purpose.] (Deleted by amendment.)~~

Sec. 2. The State Controller shall transfer from the Account to Stabilize the Operation of the State Government created by NRS 353.288 to the State General Fund the sum of \$28,061,106 for unrestricted State General Fund use.

Sec. 3. This act becomes effective upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 658 eliminates section 1 of Senate Bill No. 490. This section extends the sunset date for the mandatory 1-percent transfer from the State General Fund appropriations to the Rainy Day Fund for the upcoming biennium. We will have to deal with that at a future date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time and ordered to third reading.

Assembly Bill No. 19.

Bill read second time and ordered to third reading.

Assembly Bill No. 25.

Bill read second time and ordered to third reading.

Assembly Bill No. 58.

Bill read second time and ordered to third reading.

Assembly Bill No. 90.

Bill read second time and ordered to third reading.

Assembly Bill No. 180.

Bill read second time and ordered to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 202.

Bill read second time and ordered to third reading.

Assembly Bill No. 415.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 27.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 27 deletes the requirement that a school district demonstrate a shortage of teachers for a particular subject area before the Superintendent of Public Instruction may issue a license to a person who is not a citizen or lawful permanent resident of the United States but who is otherwise entitled to work in the United States in accordance with federal laws and regulations. In place of that requirement, this bill allows such a person to be licensed to teach if, among other existing requirements: 1) the school district can demonstrate that any shortage of teachers exists; or 2) that the school district has not been able to employ a person possessing the skills, experience or abilities of the person to be licensed and such skills, experience, or abilities are needed to address an area of concern for the school district. The provisions of this bill apply to public and charter schools. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 27:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 27 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 30.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 30 deletes the requirement that school improvement plans be submitted by the principals of each school directly to the Governor, the Superintendent of Public Instruction and the State Board of Education. As part of the state-level improvement plan, the Board is required to specify the methods for providing remediation to pupils needing such services and the methods to improve student literacy skills. This bill also requires that the state-level improvement plan include strategies to improve the language skills of English Language Learners. Finally, the Board must review the school-level improvement plans to identify common problems and make recommendations about how Nevada's Department of Education can best support the needs of schools. This bill is effective on July 1, 2015.

As background information, school improvement plans continue to be submitted to a school district's board of trustees or to a charter school's governing board. Existing law also requires the reports be provided to Nevada's Department of Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation.

Roll call on Assembly Bill No. 30:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 30 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 73.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 73 revises certain requirements, including the due date, of a report that the Division of Welfare and Supportive Services of the Department of Health and Human Services must provide annually to the Legislative Counsel Bureau concerning the amount of money in the Fund for Energy Assistance and Conservation that is to be transferred to the Housing Division of the Department of Business and Industry for energy conservation programs. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 73:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 73 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 74.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 74 makes various changes governing the resale of certain utility services by the landlord of a mobile home park or owner of a company town applicable to the landlord of a manufactured home park. The bill also allows landlords of manufactured home parks to forgo annual reporting to the Public Utilities Commission of Nevada on the amount tenants are charged for utilities if the tenants of the park obtain those services directly from the utility and not through resale or distribution by the landlord.

Roll call on Assembly Bill No. 74:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 74 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 75.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 75 changes from \$2,500 to \$15,000 the threshold increase in annual gross operating revenue resulting from a proposed rate change that would require a utility to file a rate change application with the Public Utilities Commission of Nevada, rather than submitting a letter of advice that the utility plans to change its rates. Additionally, the bill requires the letter of advice to include a certification or affidavit from the utility that the proposed change meets the threshold requirement. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 75:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 75 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 87.**

Bill read third time.

**Remarks by Senator Settlemeyer.**

Assembly Bill No. 87 expressly provides that various provisions of existing State law relating to Medicaid apply to certain third-party entities including self-insured plans, certain group health plans and policies, service benefit plans and any other organization described in the Social Security Act as being legally responsible for payment of a claim for a health care item or service. In particular, the bill clarifies that these third-party entities are required to pay claims for medical care or services before such claims must be paid by Medicaid. The bill is effective upon passage and approval.

**Roll call on Assembly Bill No. 87:**

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 87 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 103.**

Bill read third time.

**Remarks by Senator Manendo.**

Assembly Bill No. 103 requires the Department of Motor Vehicles to design, prepare and issue special license plates honoring veterans who have received the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device. A veteran who is eligible for these plates and has suffered a 100-percent, service-connected disability may have the international symbol of access inscribed on the license plates. The bill specifies that no fee in addition to applicable registration and license fees and government services taxes may be charged for the issuance or renewal of these special license plates.

Finally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the federal government. This bill is effective on July 1, 2015.

**Roll call on Assembly Bill No. 103:**

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 103 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 131.**

Bill read third time.

**Remarks by Senator Denis.**

Assembly Bill No. 131 provides that submission of an application for a license, permit or card to the Department of Motor Vehicles (DMV) by any eligible male authorizes the DMV to register him with the Selective Service System unless the applicant has checked a box provided on the application indicating that he is not required to register pursuant to federal law. The application must inform the applicant that unless he has checked the box, submission of the application indicates that the applicant either has already registered with the Selective Service System or that he is authorizing the DMV to forward to the Selective Service System the necessary information for such registration.



This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks, and for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

As background information, a license, permit or card includes driver's license, commercial driver's license, identification card, instruction permit, restricted license, special restricted license, driver authorization card, or a duplicate, renewal, or reinstatement of such a license, permit or card.

Roll call on Assembly Bill No. 131:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 131 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 154 removes the requirement that the Nevada Employment Security Council investigate, recommend, advise and assist in the establishment and operation of reserves for public works projects in times of depression and unemployment. The measure also eliminates the requirement of the Council to investigate and publish the results of investigations and research studies. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 154:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 154 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 157.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 157 revises the definition of "service animal" and "service animal in training" to only include dogs and miniature horses with training to perform tasks that benefit a person with any disability. The bill allows an employer to refuse to permit an employee to keep a service animal that is a miniature horse if the employer determines it would be unreasonable to comply with accommodation requirements. Additionally, public places and common carriers are also not required to comply with accommodation requirements if accommodations for a miniature horse service animal are unreasonable. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 157:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 157 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 179.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 179 expands the definition of "personal information" for the purpose of requiring business entities that collect such information to provide certain security measures to ensure the information is protected. The revised definition includes: a driver authorization card number; a medical identification number or health insurance identification number; and a user name, unique identifier or e-mail address, in combination with a password, access code or a security question and answer that would permit access to an online account. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 179:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 179 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 188.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 188 allows a motor vehicle, motorcycle or moped, to the extent not preempted by federal law, to be equipped with high-intensity discharge headlamps, provided that such headlamps have a correlated color temperature of not less than 5,000 kelvins and not more than 6,000 kelvins. This measure is effective on October 1, 2015.

Roll call on Assembly Bill No. 188:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 188 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250.

Bill read third time.

Remarks by Senator Gustavson.

Assembly Bill No. 250 provides that a veteran who is eligible for a Pearl Harbor, Purple Heart or Congressional Medal of Honor special license plate and who, as a result of his or her service, has suffered a 100-percent, service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates. Additionally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the United States.

Assembly Bill No. 250 further provides that a veteran who is eligible for ex-prisoner of war special license plates and who, as a result of his or her service, has suffered a 100-percent,

service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates.

This bill is effective upon passage and approval for purposes of adopting regulations and other preparatory administrative tasks, and, for all other purposes, July 1, 2018, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act, whichever is earlier.

Roll call on Assembly Bill No. 250:

YEAS—19.

NAYS—None.

EXCUSED—Kihuen, Lipparelli—2.

Assembly Bill No. 250 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bills Nos. 44, 417.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Director General Bruce Gen-Gang Fuh and Ms. J. Chieh Wong of the Taipei Economic and Cultural Office in San Francisco.

On request of Senator Smith, the privilege of the floor of the Senate Chamber for this day was extended to students from I Can Do Anything Charter High School: Tatianna Beck, Amber Dewig, Hannah Diek, Manuel Escobedo Chavez Lizeth Gutierrez-Bravo, Vanessa Gallegos, Stephanie Guzman, Corwil Jesus Martinez Zavala, Jonnie McKaig, Kaitlyn Mavraedis, Conrad Nepomuceno, Jake Pabst, Kay Quong, Amayrani Ronquillo, Zephry Schwab, Cassandra Tarquinio, Maria Torres and Kayla Ward.

Senator Roberson moved that the Senate adjourn until Wednesday, May 6, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:34 p.m.

Approved:

JOSEPH P. HARDY  
*President pro Tempore of the Senate*

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