

**THE NINETY-FOURTH DAY**

---

CARSON CITY (Wednesday) May 6, 2015

Senate called to order at 12:37 p.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by Rabbi Evon J. Yakar.

Thank you for the honor of sharing words of blessing this morning and for your service to the State of Nevada.

Tomorrow marks the National Day of Prayer and a time to ensure that we recognize the plurality that exists in this State and our Nation. On this day, we become hyper aware of the spectrum of belief and faith residing throughout Nevada. Faith communities may represent different beliefs, but the same imperative to improve our world and our chances for peace. Since 1952, our Nation has not only embraced the vibrancy of faith and the tapestry woven together of the many religious communities comprising our Nation but creates this opportunity to embrace the power of moments such as this: Moments of Prayer.

We pray that the gathering of individuals and communities tomorrow will embrace all who seek to share words of blessing and prayer. May it continue to be reality that all within this State and our Nation, who make prayer and meditation part of their lives, find safe and sacred space. Makor HaChaim, O Source of Life, may it be your will that the State of Nevada remains, always, a home to the richness of religious life upon which our great Nation was founded.

It has been attributed to different sources, yet I believe the anonymity of these words lends them even great significance: Pray as if everything depended on God; act as if everything depends on you. May this moment of prayer, each morning as you lead and govern this State, demonstrate that together we are reaching for something higher and may all of our work together continue to bring about a better tomorrow, each and every day.

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 Natural Resources, to which were referred Assembly Bills Nos. 79, 144; Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DONALD G. GUSTAVSON, *Chair*

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, Carson City, May 5, 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. 2, 37, 55, 66, 85, 121, 142, 244, 418, 448, 449, 473.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 271, Amendment No. 653, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 8.

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

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Senate Bill No. 510—AN ACT relating to the State Personnel System; revising the provisions governing the right of certain employees of the Legislative Branch of the State Government to transfer to positions in the classified service of the State; and providing other matters properly relating thereto.

Senator Farley moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 2, 2015

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measure is not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14: Senate Bill No. 510.

RICHARD S. COMBS  
*Director*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 137 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Assembly Bill No. 39.

Bill read second time and ordered to third reading.

Assembly Bill No. 41.

Bill read second time and ordered to third reading.

Assembly Bill No. 42.

Bill read second time and ordered to third reading.

Assembly Bill No. 52.

Bill read second time and ordered to third reading.

Assembly Bill No. 61.

Bill read second time and ordered to third reading.

Assembly Bill No. 63.

Bill read second time and ordered to third reading.

Assembly Bill No. 99.

Bill read second time and ordered to third reading.

Assembly Bill No. 222.

Bill read second time and ordered to third reading.

Assembly Bill No. 424.

Bill read second time and ordered to third reading.

Assembly Bill No. 456.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 490.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 490 requires the State Controller to transfer the current balance of \$28,061,106 from the Account to Stabilize the Operation of the State Government to the State General Fund for purposes of addressing the Fiscal Year 2015 General Fund shortfall. Senate Bill No. 490 is effective upon passage and approval.

Roll call on Senate Bill No. 490:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 490 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 14.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 14 transfers to the State Board of Examiners the authority to designate debts of the Division of Industrial Relations, Department of Business and Industry and the State Gaming Control Board as bad debts and to cause the removal of those debts from the books of account of the State. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 14:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 14 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 19 replaces the specified dates that local governments must hold public hearings to consider tentative budgets with a range of dates starting on the third Monday in May and ending on the last day in May. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 19:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 19 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25.

Bill read third time.

Remarks by Senator Atkinson.

Assembly Bill No. 25 authorizes the use of money collected through the residential construction tax for the improvement of park facilities and specifies that improvement includes the expansion, modification, redesign, redevelopment or enhancement of existing facilities. The bill also clarifies that the parks and related facilities that are acquired, improved, expanded or installed, as applicable, with the money collected through the tax must be attributable to the new construction or development for which the money was collected. This bill specifies that the money collected through the tax must be expended within the park district from which it was collected and must not be expended for maintenance or operational expenses. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 25:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 25 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 58.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 58 expands the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 58:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 58 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 90 creates the Nevada Intrastate Mutual Aid System within the Division of Emergency Management, Department of Public Safety, to coordinate requests for mutual aid among the various public agencies of this State and certain Indian tribes and nations. The bill

creates an advisory committee, designated the Intrastate Mutual Aid Committee, to: 1) advise and assist the Chief of the Division with the implementation and evaluation of the System; and 2) develop comprehensive guidelines and procedures regarding, among other things, requests and recordkeeping for intrastate mutual aid. The measure also authorizes the Governor to request interstate mutual aid pursuant to the Emergency Management Assistance Compact. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 90:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

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

Bill ordered transmitted to the Assembly.

Assembly Bill No. 180.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 180 requires the Public Employees' Retirement Board to select an independent public accountant to perform audits of the Public Employees' Retirement System through a process for open bidding or a request for proposals not less than once every four years. The bill also precludes the Board from considering a bid or proposal from the person who was selected in the immediately preceding cycle. The bill is effective on July 1, 2015.

This is a good bill and a fairly common practice in general so I support it, and I encourage my colleagues to do so.

Roll call on Assembly Bill No. 180:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 180 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 194.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 194 revises the definition of the term "historic" to mean the period from the middle of the eighteenth century to 50 years before the current year as that term is used in the context of the protection of prehistoric and historic sites on federal and State lands. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 194:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 194 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 202 authorizes a board of county commissioners to apply for and accept grants of rights-of-way, permits, leases and patents over, upon, under or through any land or interest in land owned by the United States pursuant to any applicable federal law or regulation. The bill also authorizes the State Land Registrar to transfer property that was formerly the site of the National Guard Armory in Hawthorne to Mineral County, without consideration, and requires Mineral County to pay the costs relating to the transfer. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 202:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 202 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 415.

Bill read third time.

Remarks by Senator Atkinson.

Assembly Bill No. 415 revises the definition of “farm” with regard to the use of water to include two or more tracts of land that are owned or leased by the same person within a federal reclamation project and primarily used for agricultural purposes, regardless of whether the tracts are contiguous to one another. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 415:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 415 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS  
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 63.

The following Assembly amendment was read:

Amendment No. 649.

SUMMARY—Creates the Nevada Indian Commission’s Gift Fund and designates the Commission as coordinating agency. (BDR 18-289)

AN ACT relating to the Nevada Indian Commission; creating the Nevada Indian Commission’s Gift Fund; designating the Commission as the coordinating agency for certain discussions regarding activities at and uses of the buildings and grounds of the former Stewart Indian School; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada Indian Commission is charged with studying matters affecting the social and economic welfare and well-being of American Indians residing in Nevada and recommending necessary or appropriate action, policy, legislation or revision of legislation or regulations pertaining to Indians. (NRS 233A.090)

Section 2 of this bill designates the Commission as the coordinating agency for discussions among the Commission, state agencies and local governmental entities regarding activities at and uses of the buildings and grounds of the former Stewart Indian School.

Section 3 of this bill creates the Nevada Indian Commission's Gift Fund as a special revenue fund. Section 3 provides that, unless specifically accounted for in another fund, all gifts or grants of money or other property to the Commission must be accounted for in the Fund. Section 3 additionally provides that 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.

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

Section 1. Chapter 233A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

*Sec. 2. The Commission is hereby designated as the coordinating agency for discussions among the Commission, state agencies and local governmental entities regarding activities at and uses of the buildings and grounds of the former Stewart Indian School.*

*Sec. 3. 1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money or other property which the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The Commission may establish such accounts in the Fund as are necessary to account properly for gifts and grants received. All such money received by the Commission must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Executive Director of the Commission or his or her designee.*

*2. Gifts of property other than money may be sold or exchanged when this is deemed by the ~~Executive Director of the~~ Commission to be in the best interest of the Commission. The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the ~~Executive Director.~~ Commission. All money received from the sale must be deposited in the State Treasury to the credit of the appropriate gift account in the Nevada Indian Commission's Gift Fund. The money may be spent only for the purposes of the Commission. The property may not be sold or exchanged if to do so would violate the terms of the gift.*

Sec. 4. This act becomes effective on July 1, 2015.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 649 to Senate Bill No. 63.

Remarks by Senator Goicoechea.

Amendment No. 649 to Senate Bill No. 63 clarifies that the Nevada Indian Commission, instead of the Executive Director, must approve the sale or exchange of property when deemed to be in the best interest of the Commission.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 297.

The following Assembly amendment was read:

Amendment No. 650.

SUMMARY—Revises certain provisions relating to redevelopment plans.

(BDR 22-1028)

AN ACT relating to redevelopment; revising provisions relating to the termination of certain redevelopment plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan adopted by a redevelopment agency on or after January 1, 1991, must terminate not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439) This bill provides that, if a redevelopment area includes real property conveyed by the Federal Government which contains certain abandoned mine or milling facilities, a redevelopment plan adopted on or after January 1, 1991, must terminate not later than 45 years after the effective date of the conveyance of the land by the Federal Government if: (1) within 15 years after the date on which the original redevelopment plan was adopted, the State enters into one or more agreements, with respect to the real property conveyed by the Federal Government, for mine remediation and reclamation; and (2) before entering into any agreement for mine remediation and reclamation, the State consults with the legislative body of the city or county in which the redevelopment area is located.

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

Section 1. NRS 279.439 is hereby amended to read as follows:

279.439 ~~{A}~~

1. *Except as otherwise provided in subsection 2, a redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.*

2. *If a redevelopment area includes any real property conveyed by the Federal Government which contains an abandoned mine or milling operation with open pits, large volumes of mine overburden and tailings piles and mill facility foundations, or a hazardous level of contaminants, a*



*redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 45 years after the date of the conveyance of the real property if:*

*(a) Within 15 years after the date on which the original redevelopment plan is adopted, the State enters into one or more agreements, with respect to the real property conveyed by the Federal Government, for mine remediation and reclamation; and*

*(b) Before entering into any agreement for mine remediation and reclamation, the State consults with the legislative body of the community in which the real property is located.*

Sec. 2. This act becomes effective on July 1, 2015.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 650 to Senate Bill No. 297.

Remarks by Senator Goicoechea.

Amendment No. 650 to Senate Bill No. 297 adds three Joint Sponsors: Assemblywoman Spiegel and Assemblymen Stewart and Silberkraus.

Motion carried by a constitutional majority.

Bill ordered enrolled.

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 23, 43, 159, 200, 205, 217, 263; Senate Joint Resolution No. 11.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to students from Bordewich-Bray Elementary and Tahoe Expedition Academy: Jasmine Arthur, Fabian Baez, Nathan Barth, Javier Beltran, Payton Brown, Tiberius Bryan, Avery Buchan, Maximillian Bushey, Destiny Carman, Angel Ceballos, Anthony Clemons, Ava Cole, Denali Cooke, Macey Douglass, Enrique Espinoza Ayala, Maya Ferris, Kiele Franco, Jonas Furlong, Olivia Gaida, James Gersch, Dulce Gomez, Josue Gomez Alegria, Alexis Gomez Andrade, Axel Gutierrez Galan, Tiana Hatchett, Frankie Hernandez Peregrina, Azariah Hougland, Donovan Johnson, Meryl Johnson, Alexander Lance, Malachi Leonard, Alexzander Lepage, Emaly Lopez, Omar Martinez, Hayden McJunkin, Miguel Mendoza Jr., Adan Pazos Heredia, Erick Pedraza Lopez, Ricardo Plascencia-Flores, Nandana Praveen, Janneli Ramos, Noel Rehus, Adrian Rocha, Mazzy Root-Ferguson, Christian Rough Jr., Ava Schofield, Mason Smith, Ravyn Smith, Josie Tierney, Sadie Tucker, Ilu Valdivia Rugama, Angel Vega Alvarez and Zachary Wallpe.

Senator Roberson moved that the Senate adjourn until Thursday, May 7, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:04 p.m.

Approved:

MARK A. HUTCHISON  
*President of the Senate*

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