

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 27, 2017

Senate called to order at 11:32 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

We ask for Your favor, Lord, to be poured out upon this gathering today. Give to our leaders Your wisdom, strength and unity as they conduct the business of our great State, Nevada.

We ask that You bless each meeting and each conversation these leaders have today and throughout this week. Give them clear thoughts and fill them with boldness to ask the right questions and to make the right decisions. Give them courage to do what is right, when it is right and fill them with peace as they work this week knowing and sensing Your presence in their lives, guiding them and protecting them. Keep their families safe this week, and redeem their time away from their loved ones.

Now, may the Lord richly bless this gathering of servant leaders and may God bless Nevada. It is in His Name that we pray.

AMEN.

Pledge of Allegiance to the Flag was led by Reginald Daniel.

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 were referred Senate Bills Nos. 22, 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: ENVISION VIDEO/CITY OF SPARKS: Eric Darensburg; REYNOLDS SCHOOL OF JOURNALISM: Daniel Estopinal; SUN PRODUCTION: Shayne Del Cohen; THE WELLS PROGRESS: Noah Jennings; TIM DUNN PHOTOGRAPHY: Tim Dunn.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Joint Resolution No. 6—Proposing to amend the Nevada Constitution to provide for certain increases in 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 as follows:

Sec. 16. ~~{A. Each}~~

1. ~~Except as otherwise provided in this section, each employer shall pay a wage to each employee of not less than the hourly ~~{rates}~~ rate set forth in this ~~{section}~~ subsection. The rate ~~{shall}~~ must 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) per 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. These rates of wages shall be adjusted by the amount of increases in} nine dollars (\$9.00) per hour worked. Beginning on January 1, 2022, this rate must be increased on January 1 of each year by seventy-five cents (\$0.75) per hour worked until the rate is twelve dollars (\$12.00) per hour worked.~~~~

2. ~~If, at any time, 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.}~~ is higher than the rate set forth in subsection 1, each employer must pay a wage to each employee of not less than the hourly rate set forth in the federal minimum wage.~~

3. ~~The Legislature may establish by law a minimum wage that an employer must pay to each employee that is higher than the hourly rate set forth in subsection 1 or 2.~~

4. ~~Tips or gratuities received by employees shall not be credited as being any part of or offset against the minimum wage ~~{rates}~~ rate required by this section.~~

~~{B.}~~ 5. ~~The provisions of this section may not be waived by agreement between ~~{an individual}~~ any employee and ~~{an}~~ his or her 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 ~~{}~~ in any manner. An employee claiming a violation of this section ~~{may}~~ is entitled to bring an action against his or her employer in the courts of this State, either in his or her individual capacity or as a representative of a class of similarly situated individuals, 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}~~ must be awarded damages in an amount equal to three times the amount which the employee would have been paid if his or her employer had complied with the provisions of this section and his or her reasonable attorney's fees and costs.~~

~~6.~~ 6. 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.

~~7.~~ 7. 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.

And be it further

RESOLVED, That the provisions of Section 16 of Article 15 of the Nevada Constitution, as amended by this joint resolution:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after the effective date of this amendment.
2. Do not apply to any collective bargaining agreement entered into before the effective date of this amendment during the current term of the agreement.

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

Motion carried.

By Senators Roberson, Goicoechea, Settlemeyer, Kieckhefer, Gustavson, Gansert, Hammond, Hardy, Harris; Assemblymen Wheeler, Oscarson, Hansen, Titus, Ellison, Paul Anderson, Edwards, Hambrick, Krasner, Marchant and Pickard:

Senate Joint Resolution No. 7—Urging Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Farley:

Senate Bill No. 208—AN ACT relating to health care; authorizing the use of direct primary care agreements; exempting direct primary care agreements from the provisions of the Nevada Insurance Code; and providing other matters properly relating thereto.

Senator Farley 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. 209—AN ACT relating to insurance; authorizing an insurer to process certain claims of industrial insurance at an office located outside of this State; requiring that persons processing certain claims of industrial insurance be accessible to an employer and his or her employees who are

located in this State; removing the requirement that an insurer who provides industrial insurance provide an office in this State; authorizing the Commissioner of Insurance to accept an independent audit in lieu of an examination of a nonprofit organization of surplus lines brokers; limiting when a surplus lines broker may charge a fee; authorizing the Commissioner to adopt regulations for the charging and collection of certain fees for the purchase of individual or group life or health insurance or an individual or group annuity; authorizing an employee or authorized representative of a vendor to receive compensation for selling or offering portable electronics insurance; 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.

By Senators Kieckhefer, Ford and Gansert:

Senate Bill No. 210—AN ACT relating to anesthesiology; providing for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; requiring an anesthesiologist assistant to work under the supervision of a supervising anesthesiologist except when rendering certain emergency care; authorizing an anesthesiologist assistant to perform certain tasks; authorizing the Board of Medical Examiners and the State Board of Osteopathic Medicine to establish fees for the licensure of anesthesiologist assistants and the renewal of such licenses; exempting an anesthesiologist assistant from civil liability in certain circumstances; requiring an anesthesiologist assistant to report instances of neglect or abuse of older and vulnerable persons; authorizing the Nevada members of the Western Interstate Commission for Higher Education to take certain actions with regard to an anesthesiologist assistant who receives financial assistance from the program administered by the Nevada Office of the Commission; providing penalties; 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 the Committee on Legislative Operations and Elections:

Senate Bill No. 211—AN ACT relating to elections; revising the period for early voting for primary elections and primary city elections; providing in certain circumstances for a presidential preference primary election; setting forth requirements and procedures for any such presidential preference primary election; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gansert, Ratti, Woodhouse, Hammond, Parks, Cancela, Ford, Hardy, Kieckhefer, Manendo, Roberson, Settlemeyer; Assemblywomen Benitez-Thompson, Joiner and Tolles:

Senate Bill No. 212—AN ACT relating to the welfare of pupils; expanding the scope of the Safe-to-Tell Program; requiring the appointment of a team at each public school to receive reports from the Program; providing for the establishment of a support center to receive reports to the Program; requiring the Director of the Office for a Safe and Respectful Learning Environment of the Department of Education to provide certain training; requiring that certain plans used by schools in responding to a crisis or emergency include procedures for responding to a suicide of certain persons; requiring an agency that provides child welfare services to provide services to a school after a crisis, emergency or such a suicide; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gansert, Roberson, Kieckhefer, Goicoechea, Hardy; Assemblywomen Benitez-Thompson and Tolles:

Senate Bill No. 213—AN ACT relating to education; authorizing the Superintendent of Public Instruction to carry out an on-site inspection of a provider of special education in certain circumstances; authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the laws governing the education of pupils with disabilities in certain circumstances; requiring the Department of Education to prescribe certain policies and procedures for programs of special education; revising certain provisions concerning background checks conducted on certain educational personnel; authorizing a court that orders a child to be placed with someone other than a parent to appoint an educational surrogate parent for the child; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gansert, Kieckhefer, Gustavson, Cancela, Hardy, Goicoechea, Manendo, Roberson, Settlemeyer and Assemblywoman Tolles:

Senate Bill No. 214—AN ACT relating to crimes; making the solicitation of certain children for prostitution punishable as sex trafficking; establishing the privilege of confidential communication between persons who are victims of human trafficking and certain advocates for those victims; increasing penalties for certain crimes; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Woodhouse, Manendo, Parks, Spearman, Cancela, Cannizzaro, Denis, Ford, Ratti and Segerblom:

Senate Bill No. 215—AN ACT relating to motor vehicles; revising the circumstances under which the holder of a driver's license or identification card must report a name change to the Department of Motor Vehicles; enacting provisions authorizing the holder of a driver's license or identification card to request a name change upon the occurrence of certain events; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Woodhouse, Manendo, Parks, Cancela, Denis and Segerblom:

Senate Bill No. 216—AN ACT relating to traffic laws; prohibiting a person who is less than 18 years of age from using a cellular telephone or other handheld or mounted wireless communications device while operating a motor vehicle; revising provisions relating to use of a cellular telephone or other handheld or mounted wireless communications device for voice communications while operating a motor vehicle; increasing the amount of fines for certain violations relating to the use of a cellular telephone or other handheld or mounted wireless communications device while operating a motor vehicle; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Roberson:

Senate Bill No. 217—AN ACT relating to the Public Employees' Retirement Board; revising provisions governing the size and composition of the Board; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Ford:

Senate Bill No. 218—AN ACT relating to public notices; authorizing the publication of a legal notice or legal advertisement on an Internet website maintained by a broadcast radio or television station, or an association thereof, in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; prescribing a procedure for a governmental entity to contract with a newspaper or broadcast radio or television station, or an association thereof, to publish a legal notice or legal advertisement; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Woodhouse and Denis:

Senate Bill No. 219—AN ACT relating to radiation; providing for the Division of Public and Behavioral Health of the Department of Health and Human Services and the State Board of Health to regulate tanning equipment and certain other sources of non-ionizing radiation; authorizing the Division to suspend, revoke or amend the license or registration of a person who violates certain provisions; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 220—AN ACT relating to collective bargaining; requiring the governing body of a school district to submit a written report concerning the fiscal impact of collective bargaining agreements to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means; and providing other matters properly relating thereto.

Senator Kieckhefer moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Finance.

Motion carried.

By Senators Denis, Hammond and Assemblyman Watkins:

Senate Bill No. 221—AN ACT relating to wildlife; creating the Nevada Wildlife Public Education Council within the Department of Wildlife; prescribing the membership and duties of the Council; authorizing the Department to fund the activities of the Council from the Wildlife Heritage Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for certain appointments to the Council; increasing the amount of money the Department may annually expend from the Account; authorizing the Department to request emergency funding from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this State; requiring the Commission to ensure that a certain minimum balance is maintained in the Account; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 222—AN ACT relating to labor, providing that certain noncompete provisions in employment contracts are against public policy, void and unenforceable; 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 Senators Cancela, Segerblom, Ford, Ratti, Denis, Atkinson, Manendo, Parks, Spearman, Woodhouse; Assemblymen Bilbray-Axelrod, Brooks, Jauregui and Monroe-Moreno:

Senate Bill No. 223—AN ACT relating to criminal procedure; restricting certain state and local governmental agencies from performing certain actions relating to immigration enforcement; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Harris:

Senate Bill No. 224—AN ACT relating to education; requiring public schools to install cameras in certain classrooms or other locations within a school which are used for special education; specifying the circumstances under which a recording from such a camera may be released; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks, Woodhouse, Cancela, Spearman, Farley; Assemblymen Spiegel, Bilbray-Axelrod, Ohrenschall, Araujo, Brooks, Carlton, Cohen, Swank and Thompson:

Senate Bill No. 225—AN ACT relating to education; applying the prohibition on bullying and cyber-bullying to all the schools in this State; requiring certain training concerning the needs of persons with diverse gender identities or expressions; requiring all schools to establish a school safety team; requiring certain employees at all schools to report incidents of bullying or cyber-bullying and take certain action upon receiving such a report; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 92.

Bill read second time and ordered to third reading.

Senate Bill No. 123.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

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

Today marks the start of our 2017 Nevada Reading Week, which is scheduled from February 27 through March 3, 2017. This is a statewide effort that encourages our children to actively participate in reading festivities during weeklong celebrations observed in schools and communities across our State.

In 1987, Bill Abrams, who with the Nevada Department of Education and a group of teachers began a statewide initiative for Nevada teachers and librarians to celebrate and promote the love of reading through shared thematic activities. Many of our local celebrities, parents and community members participate by telling stories and reading to our students, and I know many of you have participated in the past. City of Las Vegas Mayor Carolyn G. Goodman and the Nevada Black and Hispanic Legislative Caucuses invite you to participate in this year's "Read with a Barber" event that promotes literacy by giving our kids an opportunity to receive and read a complimentary, age-appropriate book while getting a haircut at their favorite barber shop. This concept was initiated by a barber, Mr. Courtney Holmes, from Spark Salon in Iowa, who started trading haircuts with boys and girls willing to read aloud to him. He recognized the importance of inspiring the love of reading in kids in hopes of providing them with a brighter future by enhancing their literacy skills.

In Nevada, close to 100 barbers and stylists are participating in this year's event, and the list is continuing to grow. Thousands of books and resources have already been donated, but there is still time to get involved. Participants will wear T-shirts, read at local schools and may give out discounts on haircuts. Our barbers and stylists interact with our kids on a regular basis so who better to connect with them than these real, everyday heroes and pillars in our communities.

On your desks are "Read with my Barber" bookmarks and event flyers with additional details on how to get involved. Special thanks to Dr. Lisa Morris Hibbler who is the Director of the City of Las Vegas Youth Development and Social Innovation Department, Marcus Allen who is the CEO of the Masterpiece Barber College/Spread the Word Nevada and Commissioner Lawrence Weekly for always helping us get out the word. This is a great time to get out and read to our kids. It is one of the most important things they can do. Children cannot do math and science if they cannot read. I encourage you to participate and get involved.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Ford, the privilege of the floor of the Senate Chamber for this day was extended to A TEAM NV: Linda Alexander, Samuel Bonsangue, Dillon Booker, Tracy Brown-May, Darlene Bussing, Shirley Campbell, Thomas Chase-Campbell, Regina Daniel, Reginald Daniel, Sue Enzenauer, Zezy Farfan, Harry Frink, Tiffany Green, Roy Guerreo, Monica Harrison, Jennifer Husk, Brie Jackson, Joel Jarvis, Sean Jones, Janine Klein, Judith Koller, Shirlene Levingston, William Mattei, Dusty Maupin, Jeff May, Patty McCline, Curtis McCluney, Rosalyn Collins, Tiffany McFarlin, Debbie McLeod, Armando Mendoza, Brody Meyer, Maria Montanez, Angel Nunn, Claudia Offill, Sherron Prosper, James Ruggles, Scott Ruggles, Katherine Ryder, Lisa Sandoval, Priscilla Sandoval, Rosemary Scalf, Amanda Shipp, Kaison Shipp-Collier, Marcel Simmons, Ophelia Simmons, Richard Staber, Karizza Thomas, Antoinette Tolden, Nacho Tovar, Annette Walker, Talena Walker, Lisa White, Selina Wooley and Jodi Yap; ADSD: Dr. Eddie Ableser, Stephanie Denn, Cynthia Donahe, Robyn Lehman, Cara Paoli, Ana Soto and Debbie Thomas; AKTION CLUB: Curt Allen, Talissa Allen, Cory Baird, Kelly Brock, Keri Capps, Megan Crandall, Steve Decker/Family Support, Judy Dreyer, Heather Dryer, Ali Garrison, Karen Garrison, Deanna Gay, Julie Greene, Judy Keele, David King, Travis King, Karen Lowry, Ramona Madore,

Antonia Marexca, Paul Martinez, Mike Nestroyl, Christopher Ramos, Francesca Romans, Gordon Romans, Darlene Spellberg and Daniel Upton; DD COUNCIL: Kari Horn, Sherry Manning and Catherine Nielsen; EASTER SEALS: Brian Patchett; LTO VENTURES: Mark Olson; OPPORTUNITY VILLAGE: Bob Brown, Jeff Cooper, Kenna Cooper, Gregory Gudenkauf, Ed Guthrie, Lynn Hunsinger, Trevor Macaluso and Lauralyn McCarthy; PEOPLE FIRST/FALLON: Teim Bennett, Ernie Decoux, Jason Freeman, Sue Freeman, Teresa Hawthorn, Wayne McComber and Lana Wesner (PCA); UCP: Monica Elsbrock; UCP/A TEAM: Zach Bailey, Princess DeSalles, Jill Gabel, Christine Hendrix, Jessica Kruger, Marty Larrabee, Martin Leonard, Vicky Nunez, Mimi Page, Sean Parsons, Collen Plumb, Dylan Riley, Kathy Roller, Sean Shreckengaust, Reannin Smith, Jermaine Titus, Able Valdivia and Randy Walsh.

Senator Ford moved that the Senate adjourn until Tuesday, February 28, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:56 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate