

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 31, 2009

Assembly called to order at 11:10 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Jacob Musselman.

God, author of wisdom and truth, today we pray that You would impart to these men and women Your insight. As these legislators search for the best answers, give divine inspiration and creativity to find solutions to problems and to keep justice and peace. Bless them with knowledge and innovation that they might overcome obstacles and boundaries. May these representatives lead the people of Nevada with confidence and integrity, and with each step forward, grant this great state, its leaders, and its people harmony and prosperity.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCUS CONKLIN, *Chairman*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

March 30, 2009

SENATOR STEVEN HORSFORD, ASSEMBLYWOMAN BARBARA BUCKLEY, Nevada Legislature,
Legislative Building, 401 S. Carson Street, Carson City, NV 89701-4747

DEAR SENATOR HORSFORD AND ASSEMBLYWOMAN BUCKLEY:

This letter serves as a formal request to address the joint session of the Nevada Legislature on April 17 at noon. It is my understanding that this date and time are available.

Should you have any questions or comments, please contact my district director, Verita Black Prothro at 775-686-5760.

I thank you in advance for this opportunity to discuss federal issues with members of the Nevada Legislature.

Sincerely,

DEAN HELLER

Member of Congress

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Claborn, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart, and Woodbury; Senators Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 22—Designating March 31, 2009, to honor the Kerak Shrine Temple and the Zelzah Shrine Temple.

WHEREAS, What was to become the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, an international fraternity based on fun, fellowship and the Masonic principles of brotherly love, relief and truth, was formed in New York City in 1872 and now has

approximately 400,000 Shriners who are members of 191 temples throughout the United States, Canada, Mexico and the Republic of Panama; and

WHEREAS, While many associate the Shriners with the guys in parades wearing wild costumes who drive funny little cars or with circuses, clowns and, their distinctive symbol, the red fez with a black tassel, they are better known as the "World's Greatest Fraternity" that is responsible for funding and operating the "World's Greatest Philanthropy," the Shriners Hospitals for Children; and

WHEREAS, While formed primarily as a social organization, the Shriners, always involved in philanthropic work, wanted to do more for humanity, leading to the opening of 22 Shriners Hospitals for Children, often called the "heart and soul of the Shrine"; and

WHEREAS, Since 1922, Shriners Hospitals have helped approximately 865,000 children, at no charge to the families, regardless of financial need, and have a three-fold mission of expert treatment, cutting-edge research and outstanding teaching programs; and

WHEREAS, More than 8,000 physicians have received training at Shriners Hospitals over the past 20 years, and since beginning a formal research program more than 40 years ago, more than \$515 million has been invested in research projects; and

WHEREAS, Children with orthopedic conditions, severe burns, spinal cord injuries, and cleft lip and palate are eligible for medical treatment and, in addition, receive psychosocial, nutritional and recreational care; and

WHEREAS, The Shriners Hospitals are supported by a \$5 annual assessment from each Shriner, contributions, bequests and various fundraisers, one of the largest of which is the annual Shrine Circus, first performed in Detroit, Michigan, in 1906; and

WHEREAS, Fundraisers for the Kerak Shrine Temple, the Northern Nevada chapter, include such annual events as the Capitol Shrine Bowl in Sacramento, California, which funds the transportation of children to out-of-state Shriners Hospitals, and the Kerak Shrine Circus, in which some of the Shriners perform as the Kerak Klowns; and

WHEREAS, Fundraisers for the Zelzah Shrine Temple, the Southern Nevada chapter, include such annual events as the Justin Timberlake Shriners Hospitals for Children Open, the "Lance Burton & Friends" benefit and the Vidalia onion sale; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 31, 2009, is hereby designated to honor the Kerak Shrine Temple and the Zelzah Shrine Temple for their philanthropic work and dedication to the children of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Art Cline, Potentate of the Kerak Shrine Temple, and to Thomas D. Welsh, Potentate of the Zelzah Shrine Temple.

Assemblyman Claborn moved the adoption of the resolution.

Remarks by Assemblymen Claborn, Mortenson, and Carpenter.

Resolution adopted and ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CLABORN:

It would be remiss of me if I did not take this opportunity to honor a Shriner and a great mentor to so many people in this building. I am speaking of Speaker Emeritus Joe Dini. Mr. Dini, we are here today to thank you for not only taking care of our Shriner children, but to honor you for all the wonderful things that you have done for all the children in this great state, be it funding for schools, health care, or so many other worthwhile causes. You have always answered the call because you were willing to step up to the plate so many times. You have touched thousands of hearts in Nevada. Mr. Dini, you will never be forgotten. We love you. We thank you for honoring us here today with your presence. Thank you, Mr. Dini.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 23—Expressing support for the 2010 Census.

WHEREAS, The decennial Census is required by Article 1, Section 2 of the Constitution of the United States of America; and

WHEREAS, The Census presents a once-in-a-decade snapshot of the population and changing demographics of every state in the union; and

WHEREAS, The State of Nevada has a tremendous amount to gain through the Census process, given the remarkable growth this State has experienced over the last several decades; and

WHEREAS, This growth means more representation in Congress and more per capita dollars, ensuring that Nevada collects an equitable share of federal funding; and

WHEREAS, A recent analysis by the Nevada State Data Center and the Legislative Counsel Bureau indicated that every person missed by the Census reflects \$917 in lost per capita federal funding per year; and

WHEREAS, Businesses, community groups and local governments throughout the State are coming together over the next 12 months to form “Complete Count Committees” and educate their fellow Nevadans on the importance of participation and the thousands of job opportunities the Census represents; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Session of the Nevada Legislature do hereby express their support for the 2010 Census; and be it further

RESOLVED, That April 1, 2009, to April 1, 2010, be proclaimed the “Year of the Census” as a means of demonstrating support for the Census in Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jeff Hardcastle, Nevada State Demographer.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

By Assemblymen Denis, Kihuen, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Oceguela, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart, and Woodbury; Senators Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 24—Encouraging the celebration of America’s immigrant roots.

WHEREAS, Walt Whitman wrote of America, “Here is not merely a nation but a teeming nation of nations,” and if we could be transported back to any street in America in the 19th century, we would be surrounded by the sounds of the many languages being spoken by the masses of people coming to this country looking for a better life; and

WHEREAS, Many immigrants came to America to escape famine, war, religious oppression and political turmoil in their native lands, as well as to seek economic opportunity and the freedoms that the world equates with our country; and

WHEREAS, In 1870, Nevada had more foreign-born residents per capita than any other state, mainly Irish, Chinese, English, Canadians, Germans and Italians, with many hoping to make their fortunes in the mining boom and return home with their riches; and

WHEREAS, Whether they were working as farmers, ranchers, cowboys, sheepherders, miners, railroad workers or any number of other jobs, the immigrants to Nevada seemed to abide by the German proverb "If I rest, I rust," setting a work ethic that prevails today; and

WHEREAS, No one embodied the successful immigrant more than Irishman John Mackay who started out as a miner and, through hard work and sound investments, became one of the world's richest and most respected men, memorialized by a statue of him as a miner holding a pick axe with his sleeves rolled up, which stands in front of the Mackay School of Mines building on the University of Nevada, Reno, campus; and

WHEREAS, While women immigrated in fewer numbers, those that braved the journey made their own contributions by bringing the arts, education, health care and religion, while others ventured into business, mining and ranching and became entrepreneurs in the land of opportunity; and

WHEREAS, Some notable immigrants are German-born Albert Einstein who won the Nobel Prize in Physics and spent his life working for peace, Spanish-born Severo Ochoa who is best known for being the first to synthesize RNA outside the cell for which he won the 1959 Nobel Prize in Medicine, Czechoslovakian-born Madeleine Albright who became the first female Secretary of State, Russian-born Irving Berlin who wrote some of America's most beloved songs, Taiwanese-born Dr. David Ho who is a leading researcher in the field of AIDS, Mexican-born Mario Molina who was the most prominent precursor to discovering the Antarctic ozone hole and a Nobel Prize winner in Chemistry for his role in clarifying the threat of chlorofluorocarbon gases to the Earth's ozone layer, and Italian-born Saint Frances X. Cabrini, the first American saint, who founded 67 schools, hospitals and orphanages, one for each year of her life, as well as world-famous athletes, artists, politicians and businessmen; and

WHEREAS, More than 65,000 immigrants, 11,000 of them women, are presently serving on active duty in the Armed Forces of the United States, and historically immigrants have served in great numbers to show their dedication to and love for their adopted country; and

WHEREAS, Hispanics are now the largest minority in the United States, two-thirds of whom are immigrants or the children of immigrants, and are recognized as having a positive impact on the social, cultural and economic development of America; and

WHEREAS, Cultural diversity brings richness to our lives and is one of America's strengths, whether it is the cuisine, the colorful fashions, the arts or the many celebrations such as St. Patrick's Day, Chinese New Year, Cinco de Mayo, Oktoberfest or Halloween, all of which give Nevada an international, cosmopolitan feel that celebrates the coming together of people with different languages and backgrounds; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Nevada Legislature recognize the great contributions that immigrants have made to the vitality and growth of Nevada and America; and be it further

RESOLVED, That the Legislature urges the residents of Nevada to celebrate the ethnic and cultural diversity of its people and their traditions which have added to our wealth of great music, art, education, science and intellect.

Assemblyman Denis moved the adoption of the resolution.

Remarks by Assemblymen Denis, Spiegel, Anderson, Stewart, Kihuen, Cobb, Horne, Goedhart, Pierce, Munford, Mortenson, Ohrenschall, and Goicoechea.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DENIS:

Thank you, Madam Speaker. As I was preparing for session this time, I thought many different things. One of the first thoughts that came to me was the story of a young Cuban man looking for a better life. He came to New York looking for something better, for work, and to get out of an oppressive situation where he was coming from. At the same time, a young woman, also from Cuba, was also looking for something better. She came to New England, to the New York area, to work as a nanny. She was coming from a situation where she had only finished the

fourth grade and needed to work to be able to send money back for her family. Of course, I am talking about my parents who came and, ultimately, met here. They were married and returned to Cuba only to come back a few years later to make America their home. They have never returned to Cuba.

I thought about the great blessing of having that culture in our family as I was growing up, to have the language, but not only the language, the food, the dancing, and all of those things, the wonderful things that we get from immigrants. And then I remember my Nevada history teacher in high school, Mr. Walker. He talked about the immigrants that came to Nevada—whether it was for mining or for farming, for gaming—all the different things that they have contributed. I brought this resolution forward so that we might be able to think of the positive things. I know these days there is a lot of debate about immigration, and I think we need to take the opportunity to appreciate those that have come and have made Nevada and the United States what it is. I urge your support.

ASSEMBLYWOMAN SPIEGEL:

Thank you, Madam Speaker. I rise in support of ACR 24. This resolution, in supporting America's immigrant roots and Nevada's immigrant roots, is something that is important, not just for those of us who are here today but for future generations. Speaking as someone who is a second and third generation American, one of the things that has happened, in my family, at least, is that the traditions and history have not been passed down. I contacted one of my cousins last night and was talking to her about our family history, and we cannot get straight the story of where my grandfather's family came from, how they left Eastern Europe, whether they were from Romania, Moldova, or Russia—we do not know. Our history is lost. Our family, going back generations, has spoken Yiddish in the home. Yiddish is lost, other than a few words most of us know. The language is lost. It is important for our children that we celebrate our culture, our heritage, and that we pass along those traditions and those stories. We owe it to ourselves. We owe it to our kids. I strongly urge your support of this resolution. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. It is not surprising that I would rise for such an important resolution. I am mindful of my 1995 Session, when the house was evenly divided between Democrats and Republicans. The two vice chairs of Judiciary presented me with a picture of the Statue of Liberty, which now hangs in my study. They did so, I think, in part, because of the strong feelings I have about immigration and immigrants. I do not know why I become so emotional about this topic, but I do. I guess it is the pleasure of being Irish. I can cry and laugh at the same time.

Some of you may have heard me speak before of my father. I am very, very touched by my colleague from Assembly District 22 and his statement about his father coming here and meeting his mother, because my family story is much the same. While my parents both came from Ireland, they met here in the United States. I have a very, very large family on my mother's side that came here, but not a very large family that came here on my father's side. My father laid track. He was a "gandy dancer," as they are called. And at that time, immigrants were not allowed to have jobs on the railroad. They could lay track and work in track gangs but could not have positions that were higher than that.

He came here as a relatively young man because of problems in Ireland that had been going on for centuries, and rather than stay in that oppressive place, he immigrated here and took a job in Hazen. For those of you that have been to Hazen, Nevada, you know it is halfway between Fernley and Fallon. He went to work on the railroad laying track. His crew selected him to be—because he was a relatively large man at over six feet tall—to be their boxing champion. As a result, he went to Tonopah to box with the rest of the gandy dancers. He got to the semifinals and was eliminated. The head of the railroad was in Tonopah at the time and indicated to him that he should come by his office and that he might find him another job on the railroad. Thus, he became a brakeman and, ultimately, the senior brakeman on the entire Southern Pacific, between the Wharf in San Francisco and Salt Lake City. He met my mother, who came here as a governess for a doctor's family who had been touring in Europe and had stopped in Ireland. They decided she would be the appropriate governess for their children and brought her back to San Francisco. There is a large Irish population in San Francisco and they met there. As a result,

they appreciated the culture of staying here in the United States rather than going back to Ireland.

Next month I will have some cousins who will be visiting me from Ireland. Again, my father finished, I think, sixth grade, and my mother, maybe, the fourth. It was very, very clear to me, from a very, very early age and to my brothers, that the most important thing was education, and that education was an opportunity to have a choice in life. They saw America as a choice that they made and the opportunity to keep open the choice. The Statue of Liberty is about choice and keeping open opportunities. I think we see that in education—that promise of tomorrow—all the time. They valued it. I value it. I think the resolution speaks to that basic value. If you listen to the immigrants today, they tell their children to get an education because it opens choices for them. That is what has made this country, I believe, what it is—that strong opportunity of choices, the right choices. Immigrants have made those right choices for hundreds and hundreds of years. That is what brought us democracy in the first place. Thank you, Madam Speaker.

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. I rise in support of ACR 24. I come from an immigrant family. My great grandfather William Stewart came from Edinburgh, Scotland, in 1855. He came across the Atlantic, up the Mississippi, to St. Louis with his family and two children. One of their sons died and another one was born. They were Mormon pioneers and they were about to embark on a journey across the Great Plains with Brigham Young. The little boy that died—they did not want to leave him behind so they put him in a tin box and put him on the back of their covered wagon. They joined a handcart company in 1857, and my great, great grandmother Elizabeth Stewart was pregnant on the journey. In a snowstorm, she gave birth to her namesake, Elizabeth. The child lived just a few days and died, and then my great, great grandmother died just a short time later. Both of them were buried on the Plains.

Unlike my colleague from District 21, my great, great grandfather kept quite a detailed journal of what transpired and the difficulties they went through like snowstorms and climbing the Rocky Ridge and so forth. Finally, they arrived in Salt Lake City about a month behind schedule. He came with his two remaining children, one of them being my great grandfather, James Murdock Stewart. They came for religious freedom, for their beliefs, and economic prosperity. When I have a bad day and start whining about my plight or long, difficult times, I think back to them and the great sacrifices they made. I am so grateful for William and Elizabeth Stewart for the sacrifices that they made for me. I am very pleased to speak to this resolution.

Thank you.

ASSEMBLYMAN KIHUEN:

Thank you, Madam Speaker. I rise in support of ACR 24. I find it fitting, as the only immigrant serving here in this body currently, to say a few words. I would like to thank my colleague from District 28 for bringing this resolution forth. I think the resolution did an excellent job in illustrating the important role that immigrants have played in our country and the development of our country.

My family, like millions of families, came here 20 years ago. We came here from Guadalajara, Jalisco, Mexico, with only a couple of bucks in our pocket and a lot of hopes and a lot of dreams. But what is important for all of us to understand, I think, is that most of us are descendants of immigrants, unless some of us here are 100 percent Native Americans. I think my background is a perfect example. I have a Lebanese great grandfather, a British great grandmother, and Spanish great grandparents. I'm Mexican born and American raised.

I think, like me, most of us here have very diverse backgrounds. Many of those who came to America generations ago, regardless of their country of origin, were running from poverty, from political, religious, and social oppression, or from lack of opportunities in their homeland. They, one way or another, were discriminated against and struggled to make ends meet. They felt lonely and desperate. They overcame all of these things and worked their way up, achieving success, independently of how it was measured. Most of you are living proof that all their efforts were not in vain. Germans, British, French, Irish, Scottish, Italians, Swedes, Hebrews, Australians, Norwegians, Spaniards, Dutch, Mexicans, Portuguese, Africans—all shaped America into what it is today. They all came with a dream, with a hunger for freedom, craving for a shot at the opportunities that only this great country has to offer. As my colleague from

Armargosa Valley once told me not too long ago, “I believe that the diversity of our population contributes to our strength as Americans.” I could not have said it better than him.

All of our immigrant roots have contributed to the diverse country we live in today. Only in this country, Madam Speaker, can an African American man, son of an immigrant father, be the leader of the Free World. And only in this country can a poor, skinny Mexican immigrant become a member of such an important body as the State Assembly. And for this, Madam Speaker, I urge your support.

ASSEMBLYMAN COBB:

Thank you, Madam Speaker. I rise in support of ACR 24. As the grandson of an immigrant and the great-great-great, grandson several times removed of an immigrant from Ireland named Mary O’Mahoney—which, of course, became Mahoney when she landed on our shores on the Pacific side of our country—I understand the value of our immigration system in America and how it has affected Nevada. I have with me today Paul Jackson, who many of you may have met. Paul is an immigrant from England. Besides the difficulty of having to learn American, which he has not mastered yet—but because of mistakes with the INS, it took him, instead of the normal 6 to 7 years to become a U.S. citizen, almost 20 years. This included a process of standing in line for one to three days at the INS offices in dealing with a lot of mistakes under the federal system. He said it was worthwhile. It was very important to him that he not only be a legal resident but a legal citizen of the United States. I am glad he eventually did, and I’m glad to call him my friend and glad that he’s a fellow United States citizen. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. I rise in support of ACR 24. Just briefly, my two youngest children, Henry and Chloe, their mother and her family emigrated here from Argentina. What a very rich and large Argentinean community we have down in Clark County, to my surprise. It is so enjoyable watching the two of them grow up in both cultures—mine and their mother’s. In particular, they grow up bilingual. We are really forcing that upon them. If only you could be a fly on the wall when Chloe or Henry bring me a school book to read to them in Spanish. If anyone is familiar with the Argentines, they believe that they speak Spanish and everyone else speaks something else. They just giggle, giggle, and giggle, with me butchering it to death, as I read their books to them. When I watch them interact between the families, I just think it is good.

ASSEMBLYMAN GOEDHART:

Thank you, Madam Speaker. I rise in support to ACR 24 as well. Most of you, some of you may not know, but I am a first generation American. My father was born and raised in Indonesia and spent four years in a concentration camp before emigrating to Holland. He missed high school. In four years he got a master’s degree in economics from the University of Amsterdam. He met my mom there and they decided to leave. My mother really had an affection for America. She considered America as her liberators in Holland. They had been overtaken by the Nazis. She always had eternal gratefulness for the wonderful, heroic efforts that we had done as America to free them. So they emigrated in 1958 with a one-way plane ticket from the country of Holland. The deal was that the government paid the plane ticket but if they came back within two years, they had to pay the government back the cost of the plane ticket. He started a job milking cows and got a job as a bank teller. They said that degree does not mean too much in America, but you have to have another job because we know you cannot support yourself on that one income. So my mother washed clothes, she did people’s laundry, she cleaned houses. Lo and behold, after about 35 years, my dad was on the top of the Atlantic Richfield tower for Bank of America and he was still bringing that same brown paper bag to lunch every day.

They have always told me every day growing up that they sacrificed a lot to bring me to the greatest country on the planet. They imbued in me a sense of public service and giving back to the community that I very much appreciate. Only in this country can you have these stories we have here in this chamber, of first and second generation Americans that have been allowed to contribute to the degree we have been able to. This is a very personal resolution to me, and I applaud my colleague from Assembly District 28 for bringing it forth. Thank you.

ASSEMBLYWOMAN PIERCE:

I thank my colleague from the south for bringing forth this resolution. The richness of our country has everything to do with the waves of immigration that have come up on our shores. As a music lover, I am especially appreciative. American music is incomparable, largely because of the infusion of music from all over the world. When I was a kid other kids would ask, "What are you?" meaning what is your nationality. I was one of the kids who would say, "I am Heinz 57. I have a little bit of everything." I had ancestors who were here before the Revolution and one of my grandfather's grandfathers came from Germany as a tailor in the middle of the nineteenth century. One of my grandmother's grandmothers was a Moran who came from Ireland at the time of the potato famine. I am, indeed, a mixture, as so many Americans are, and I celebrate that today and again thank my colleague from the south.

ASSEMBLYMAN MUNFORD:

Thank you, Madam Speaker. I rise in support of ACR 24. I speak on behalf of the only immigrated group that came against their will, the African Americans. Once they were here in America, against all odds and opposition against them, they were able to rise above the struggle. They made numerous contributions to this country in the field of music, literature, sports, and so on. I think that we sometimes forget the role that they played. I personally have a great-grandmother who was born in 1855, and I was able to visit with her, speak with her, and she shared some of her past with me. I have a grandfather who was born in 1876, ten years after slavery, and I saw him throughout a lot of my childhood days. Today, my mother is the matriarch of the family. She lives today and she is 92. We have a good heritage and family tree that has contributed a great deal to me. Thank you.

ASSEMBLYMAN MORTENSON:

Thank you, Madam Speaker. I rise in support of ACR 24. I appreciate my colleague for bringing this ACR before us. My father was born in Norway and my mother was born in Russia. They met in Germany, where my dad was a stockbroker and my mother was going to school. Black Friday hit and wiped my dad out financially, and he decided to come to the United States to try and seek his fortune. He advised my mom to keep going to school, and he would send for her when he was established. Eventually he established, and by that time my mother was back in Russia. He asked her to come to the United States where they would get married. My mother was from a fairly affluent family and was having problems with the Communists which, of course, then was called the Bolsheviks, and she needed to get out of Russia. The safest way out was a steamer, and she headed for the Odessa in the Black Sea, again dodging the Bolsheviks on the way. She got there and found out that the quota for Russians was filled; so she bought a Turkish passport. She bought her way onto a mysterious steamer that was leaving Odessa and purportedly had a lot of relatives of the Czar on it. Eventually she made her way to Ellis Island. When she got to Ellis Island, she found out that the quota for Turks was filled. She called my dad. My dad had made friends with a gentleman who had a position in the State Department, who lived right next door. He went over and explained the problem, and they both took off for New York. The guy from the State Department, which Washingtonians call Foggy Bottom people, he managed to spirit my dad, himself, and a minister over to Ellis Island. Twelve o'clock that night, the minister married my dad and my mom. My dad had gotten his citizenship in between time. The next morning, the State Department guy insisted that my mother was a citizen and they should release her to go into the country—which they did. I am told that the next day the *New York Times* had blazing headlines about this story. Eventually my father, who started as a cabinetmaker, moved up to become the premier contractor that built gas stations in Washington, D.C. He built them for all the oil companies, Standard Oil, Sinclair. It is just wonderful how this country does allow someone who came in penniless to rise up and be what he eventually became. That is my story.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. I rise in support of ACR 24. I am very humbled by all the comments I have heard today. I am proud of my roots. I want to mention my grandmother who came from Greece after the end of World War II; she went through Ellis Island. She really loved this country. Her mother and her sister kept on trying to get her to move back to Greece; she

always refused. I am extremely fortunate that she lived into her eighties. One of proudest moments in her life was seeing her daughter elected to this body and able to give back to the country she loved so much. I wished she lived long enough to see her grandson elected. There is a big Greek Orthodox Church in Ely. It is really big. I remember asking my mother why is there this huge, grand Greek Orthodox Church in, of all places, Ely. Later I learned that in the nineteenth century when the mines needed workers, Greeks came to Utah and Nevada and helped mine the mines and helped give us a lot of the prosperity that built our state. Thank you.

ASSEMBLYMAN GOICOECHEA:

I guess I have to rise in support of ACR 24 and defend the Basques. I am going to make it very brief, very short. The Basque language being completely different from any other language—it most closely resembles, I believe, some words in Chinese. It is a difficult language. Most of those did come through Ellis Island. I think a story that has been reflected through the years, especially in northern Nevada and it has been told by different families, is that you got a tag pinned on you when you came through Ellis Island, and it said Elko, Nevada, on it—you were just a shipping crate. They put them on the railroad and they told them, “Order roast beef.” They started across the country; about the third day of roast beef, a man watched his neighbor order ham and eggs. The waitress came by and he said, “Hamanyeggs.” She said, “Fine, how would you like your eggs?” He said, “Hamanyeggs.” She said, “Yes, but how would like them cooked?” His response was, “Oh, hell, a roasta beef.” Again, the Basque, my grandfather immigrated with six other brothers into northern Elko County. My grandmother, who was a church bride—he did not know her in the old country—she was sent over, had three sons, and then she died in childbirth with the fourth. It was a hard time. For a wedding present, most of these brides got a new tent with a camp stove so they could be with the sheep. Thank you.

Resolution adopted and ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 29.

AN ACT relating to education; clarifying eligibility for and the administration of Millennium Scholarships for students who are enrolled in more than one eligible institution; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that to be eligible for a Governor Guinn Millennium Scholarship a student must be enrolled in at least 6 semester credit hours in a community college or 12 semester credit hours in another eligible institution. (NRS 396.930) The law does not specify whether enrollment in more than one eligible institution affects a student’s eligibility for a Scholarship or how to administer the Scholarship for such a student.

This bill clarifies that a student who is enrolled in more than one eligible institution is eligible for a Millennium Scholarship if the student meets certain requirements, and that the Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate. This bill also directs the Board of Regents of the University of Nevada to establish procedures and guidelines for the administration of Millennium Scholarships for students

who are enrolled in more than one eligible institution. (NRS 396.930, 396.934)

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

Section 1. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if he:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before he applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraph (c) of subsection 2, not more than 6 years before he applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his high school diploma within 4 years after he was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he was regularly scheduled to graduate from high school;

(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System;

~~or~~

(2) Twelve semester credit hours in another eligible institution ~~[-]~~; *or*

(3) ***A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.***

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications ~~{that is}~~ set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications ~~{that is}~~ set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,
 ↳ to be eligible for Millennium Scholarships.

4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring his eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize his immigration status or will file an application to legalize his immigration status as soon as he is eligible to do so.

Sec. 2. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he is enrolled in a community college within the System, including, without limitation, a summer academic term, \$40 per credit for each lower division course and \$60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph. ~~[In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.]~~

(b) If he is enrolled in a state college within the System, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less. ~~[In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.]~~

(c) If he is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

↪ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of 12 semester credits per semester pursuant to this ~~[paragraph.]~~ **subsection.**

2. No student may be awarded a Millennium Scholarship:

- (a) To pay for remedial courses.
- (b) For a total amount in excess of \$10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 7; and

(b) If the student graduated from high school after May 1, 2003, maintain:

(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.

~~[If a student is enrolled in more than one eligible institution, the student must maintain a combined grade point average that meets the requirements of this subsection.]~~

4. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he is not eligible for the Millennium Scholarship, he is eligible for the Millennium Scholarship for his next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, he is no longer eligible for a Millennium Scholarship.

5. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

6. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 7. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 5. ***If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.***

7. The Board of Regents shall establish ~~criteria~~:

(a) ***Criteria*** for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 6.

~~[8.—The Board of Regents shall establish procedures]~~

(b) ***Procedures*** to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 3. This act becomes effective on July 1, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 51.

AN ACT relating to crimes; providing certain penalties for a battery that is committed by strangulation; increasing the penalty for a battery which constitutes domestic violence if the battery is committed by strangulation; increasing the penalty for a battery under other circumstances if the battery is committed by strangulation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill revises provisions governing the crime of battery to provide the same penalties for a battery which is committed by strangulation as are imposed for a battery which results in substantial bodily harm. (NRS 200.481) **Section 3** also defines the term "strangulation" similarly to the manner in which the term is defined in a similar Minnesota law. (Minn. Stat. § 609.2247(1)(c))

Sections 4 and 5 of this bill revise provisions governing the crime of battery which constitutes domestic violence to impose a category C felony with a maximum fine of \$15,000 upon any person who is convicted of a battery which constitutes domestic violence if the battery is committed by strangulation. (NRS 200.485)

Sections 1, 2, 6 and 7 of this bill amend certain provisions regarding additional penalties, battery with the intent to commit sexual assault, the reporting of certain crimes committed against a child and bail so that those provisions will apply in the same manner to a battery which resulted in substantial bodily harm and a battery which was committed by strangulation. (NRS 193.166, 200.400, 202.876, 178.484)

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

Section 1. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

(e) A temporary or extended order issued pursuant to NRS 200.591,

↪ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, ~~or~~ battery which results in substantial bodily harm *or battery which is committed by strangulation as described in NRS 200.481 or 200.485* if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 2. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section ~~["battery"]~~:

(a) "**Battery**" means any willful and unlawful use of force or violence upon the person of another.

(b) "**Strangulation**" has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim ~~and~~ **or is committed by strangulation**, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served,

↪ as determined by the verdict of the jury, or the judgment of the court if there is no jury.

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

↪ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than \$10,000.

Sec. 3. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee,

including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(d) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "***Strangulation***" means ***intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person ~~and~~ with the intent to cause bodily harm.***

(i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~(i)~~ (j) "Taxicab driver" means a person who operates a taxicab.

~~(j)~~ (k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in ~~paragraph (d)~~ ***this section*** or ~~in~~ NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and ***either*** substantial bodily harm to the victim results ~~and~~ ***or the battery is committed by strangulation***, for a category C felony as provided in NRS 193.130.

(c) If ~~the~~ :

(1) ***The*** battery is committed ~~by~~

~~(1) Upon~~ ***upon*** an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his duty or upon a sports official based on the performance of his duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm ~~and~~ ***or the battery is committed by strangulation***; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

↪ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his duty or upon a sports official based on the performance of his duties at a

sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results ~~[-]~~ **or the battery is committed by strangulation**, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results ~~[-]~~ **and whether or not the battery is committed by strangulation**, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results ~~[-]~~ **or the battery is committed by strangulation**, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 4. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to **subsection 2 or** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less

than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) Except as otherwise provided in this subsection, for the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) Except as otherwise provided in this subsection, for the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➔ If the person resides more than 70 miles from the nearest location at which counseling services are available, the court may allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

~~3.3~~ **4.** An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts

concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~{4-}~~ 5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~{5-}~~ 6. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

~~{6-}~~ 7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

~~{7-}~~ 8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~{8-}~~ 9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 5. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to **subsection 2 or** NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

↪ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

~~3-4~~ **4.** An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts

concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~{4-}~~ 5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~{5-}~~ 6. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

~~{6-}~~ 7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

~~{7-}~~ 8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~{8-}~~ 9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 6. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 ~~[-]~~ if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm ~~[pursuant to]~~ **as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 ~~[-]~~ or 200.485.**
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.
15. Open or gross lewdness pursuant to NRS 201.210.
16. Lewdness with a child pursuant to NRS 201.230.
17. An offense involving pandering or prostitution in violation of NRS 201.300, 201.320 or 201.340.
18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 7. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been

sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 484.379778, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on his own recognizance unless he has a concentration of alcohol of less than 0.04 in his breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 484.379778, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on his own recognizance sooner than 12 hours after his arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, without appearing personally before a magistrate ~~or~~ or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~or~~ **or was committed by strangulation;**

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~or~~ **or was committed by strangulation;** or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~or~~ **or was committed by strangulation;** or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~to~~ **or was committed by strangulation;** or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 must not be admitted to bail sooner than 12 hours after his arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which he has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

9. If a person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 8, without appearing personally before a magistrate ~~to~~ or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court ~~or~~ or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

➔ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

- (a) Deem such conduct a contempt pursuant to NRS 22.010; or
- (b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

14. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

➔ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.

Sec. 8. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection [6] 7 of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

- (a) Conduct the evaluation or counseling; or
- (b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 9. 1. This section and sections 1 to 4, inclusive, 6, 7 and 8 of this act become effective upon passage and approval.

2. Section 4 of this act expires by limitation on June 30, 2009.

3. Section 5 of this act becomes effective on July 1, 2009.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 40.

SUMMARY—Designates Engine No. 40 of the Nevada Northern Railway as ~~the~~ an official state locomotive of the State of Nevada. (BDR 19-734)

AN ACT relating to state emblems; designating Engine No. 40 of the Nevada Northern Railway as ~~the~~ an official state locomotive; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates various emblems of the State of Nevada, including a state tartan, a state artifact and a state fossil. This bill designates Engine No. 40 of the Nevada Northern Railway as ~~the~~ an official state locomotive of the State of Nevada.

WHEREAS, The Nevada Northern Railway East Ely yard complex in Ely, Nevada is designated a National Historic Landmark by the United States Secretary of the Interior; and

WHEREAS, Engine No. 40, a ten-wheeler built by Baldwin Locomotive Works in July of 1910, which operated daily between Ely and Cobre until the last regularly scheduled passenger run in July of 1941, is one of the most historically significant steam locomotives still in existence; and

WHEREAS, The Nevada Northern Railway and Engine No. 40 were integral in the development of the State of Nevada and are part of the history of the State of Nevada; now, therefore,

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

Section 1. Chapter 235 of NRS is hereby amended by adding thereto a new section to read as follows:

The steam locomotive of the Nevada Northern Railway known as Engine No. 40, built in 1910, is hereby designated as ~~the~~ an official state locomotive of the State of Nevada.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 75, 109, 218, 280, 306, 332, 412, 443; Assembly Joint Resolution No. 7; Senate Bills Nos. 38, 109; Senate Joint Resolution No. 9 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Conklin moved that DAILY SPARKS TRIBUNE/NEVADALABOR.COM: Andrew L. Barbano; KNPB-TV: Tyler McPherron; NEVADA SAGEBRUSH: Jessica Fryman be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chamber and that they be allowed the use of appropriate broadcasting facilities.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Bennett.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman and Speaker Emeritus Joseph E. Dini, Jr.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Art Cline and Tom Welsh.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Beach and Bruce Specter.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Levine.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Caughlin Ranch Elementary School: Aramis Anastassatos, Sahara Armen, Brandon Bonnell, Joseph Castillo, Ariyani Challapalli, Lorena De La Rosa, Emily Dunn, Charlie Ennis, Maria Fernandez, Julia Hamlin, Samantha Harrison, Spencer Kase-Rohlfing, Kentaro Lee, Kyle Lemberes-Kauffman, Christian Parriott, Price Patton, Hayes Riedeman, Lily Sloan, Isabel Strait, Cruz Tambo, Lauren Vides, Shawn Wang, Cameron Young, Kimberly Zepeda, Amber Aramini, Brooke Betterton, Steven Cao, Kylee Capurro, Travis Fey, Michael Fralick, Hannah Hazelbaker, Yegor Ilchuck, Samantha Kazarian, William Kirwan, Kalsey Lee, Paula Makienko, Savanna McClung, Juliana Ness, Tyler Nied, Madison Osborne, Nick Parino, Tyler Pilling, Nedal Rejoub, Leticia Rendon, Clifford Stewart, Silvana Tillis, Kylee Tiojio, Joe Antonuccio, Christie Betker, Kemper Conboy, Ryleigh Coyle, Joel Dahan, Jenny Damke, Irene De La Rosa, Jake De Los Santos, Brooke Eriksen, Anna Evans, Jacob Greiner, Kelly Kane, Lan Le, Ryan May, Madelynn McGlynn, Megan Monroe, Denny Peters, Maddy Sims, Taylor Tasler-Oatley, Sarah Tsung, Haydn Ward, Max Zeltzer; teacher David Saulsbury; chaperones Melinda Wallace, Michelle Capurro, and Staci Kirwan; Emma Woods and Jacob Slaughter.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Roy Sargent.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Alvarado.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Norton, Jeff Hardcastle, and David Byerman.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, April 1, 2009, 11 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly