

**THE NINETY-FOURTH DAY**

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CARSON CITY (Wednesday), May 6, 2009

Assembly called to order at 11:42 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Arberry and Mortenson, who were excused.

Prayer by the Chaplain, Reverend Patrick Propster.

Psalm 150:

Praise ye the Lord. Praise God in His sanctuary. Praise Him in the firmament of His power. Praise Him for His mighty acts. Praise Him according to His excellent greatness. Praise Him with the sound of the trumpet. Praise Him with the psaltery and harp. Praise Him with the timbrel and dance. Praise Him with stringed instruments and organs. Praise Him upon the loud cymbals. Praise Him upon the high sounding cymbals. Let everything that hath breath praise the Lord. Praise ye the Lord.

Let us pray:

Gracious Heavenly Father, please let whatever is done, whether in word or in deed, throughout the rest of this session, be done wholeheartedly as unto You and not as unto man. May the words of our mouths and the meditations of our hearts be acceptable in thy sight, O Lord, our strength, and our Redeemer. Lord, we thank You for the opportunity to be used by You to serve the people that entrust themselves to us in this great State of Nevada. May we represent them as pleasing to You. In Jesus' name.

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.

Special musical presentation by the Seeliger Elementary School Singers, singing an Irving Berlin medley, conducted by Ms. Mary Law.

**REPORTS OF COMMITTEES**

*Madam Speaker:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCUS CONKLIN, *Chairman*

*Madam Speaker:*

Your Committee on Education, to which was referred Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

*Madam Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

ELLEN M. KOIVISTO, *Chair*

*Madam Speaker:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 256, 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 Senate Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

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

Assembly Concurrent Resolution No. 31—Urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the human rights and property rights of the Ecumenical Patriarchate.

WHEREAS, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world; and

WHEREAS, Ecumenical Patriarch Bartholomew, See leader, cosponsored the Conference on Peace and Tolerance in 1994 and 2005, fostering an interfaith dialogue among Christian, Jewish and Muslim religious leaders to help end regional ethnic conflicts; and

WHEREAS, In 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal; and

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300,000,000 members worldwide with more than 2,000,000 members in the United States; and

WHEREAS, Since 1453, the presence of the Ecumenical Patriarchate as international head of the Greek Orthodox Church in Turkey testifies to religious coexistence; and

WHEREAS, The Turkish government has limited those able to hold the office of Ecumenical Patriarch to Turkish nationals, threatening the viability of succession; and

WHEREAS, The Turkish government confiscated a large percentage of the Ecumenical Patriarchate's and the Greek community's properties, placed a high tax on one of the Patriarchate's charity hospitals, the Baloukli Hospital and Home for the Aged, and closed the Theological School of Halki in 1971, impeding Orthodox clergy training; and

WHEREAS, The European Council began accession negotiations with Turkey, and the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the defined membership criteria for accession of the European Union; 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 urge the Government of Turkey to uphold and safeguard religious and human rights without compromise, to grant the Ecumenical Patriarch appropriate international recognition, including ecclesiastic succession and the right to train clergy of all nationalities, and to respect the human rights and property rights of the Ecumenical Patriarchate, including cessation of discrimination; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States and each member of the Nevada Congressional Delegation.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted.

Assemblyman Ohrenschall moved that all rules be suspended and that Assembly Concurrent Resolution No. 31 be immediately transmitted to the Senate.

Motion carried.

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

Assembly in recess at 12:05 p.m.

#### ASSEMBLY IN SESSION

At 12:07 p.m.

Madam Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that Assembly Bill No. 9 just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Claborn moved that Senate Bill No. 108 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Parnell moved that Senate Bill No. 164 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 494.

Bill read second time and ordered to third reading.

Senate Bill No. 207.

Bill read second time and ordered to third reading.

Senate Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 608.

AN ACT relating to the grounds of Northern Nevada Adult Mental Health Services; designating an area on the grounds of Northern Nevada Adult Mental Health Services as a historic cemetery and providing the boundaries of the cemetery; requiring the reinterment of certain human remains found outside the boundaries of the cemetery; requiring the Office of Historic Preservation of the Department of Cultural Affairs to oversee the maintenance and improvement of the cemetery. ~~Enacted by Northern Nevada Adult Mental Health Services~~ **Enacted by Northern Nevada Adult Mental Health Services**; requiring the State of Nevada to terminate a lease of a portion of the cemetery to the City of Sparks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The grounds of Northern Nevada Adult Mental Health Services include a cemetery that was formerly a part of the Nevada Hospital for Mental Diseases. In 1949, the Legislature required the board of commissioners of the hospital to abolish the use of the cemetery. (Chapter 184, Statutes of Nevada 1949, p. 408) This bill designates the area of the former cemetery as a historic cemetery. This bill also requires the reinterment of human remains from gravesites found in a certain area outside the designated boundaries of the cemetery to the area inside the historic cemetery. This bill also provides for the Administrator of the Office of Historic Preservation of the Department of Cultural Affairs, in cooperation with persons with an interest in the matter, to oversee the maintenance and improvement of the cemetery. ~~Enacted by Northern Nevada Adult Mental Health Services of the Division of Mental Health and Developmental Services of the Department of Health and Human Services.~~ **Enacted by Northern Nevada Adult Mental Health Services of the Division of Mental Health and Developmental Services of the Department of Health and Human Services.**

In 1959, a portion of the former cemetery was leased to the City of Sparks. This bill directs the State of Nevada to terminate the lease. Upon termination of the lease, the area covered by the lease will become a part of the cemetery.

**Section 2** of this bill repeals the statute that abolished the use of the cemetery.

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

Section 1. 1. The following area, used before 1949 as a cemetery for the former Nevada Hospital for Mental Diseases, is hereby established as a historic cemetery, except as otherwise provided in this section:

All that certain real property situate within a portion of the Northeast One-Quarter (NE 1/4) of Section Seven (7), Township Nineteen (19) North, Range Twenty (20) East, Mount Diablo Meridian, City of Sparks, State of Nevada and being portions of the State Department of Agriculture parcel and the Northern Nevada Adult Mental Health System parcel as shown on the Record of Survey for the Northern Nevada Adult Mental Health System, Map No. 4663, File No. 3330918, Official Records of Washoe County, being more particularly described as follows:

Area 1

**BEGINNING** at the Northeasterly corner of said State Department of Agriculture parcel, also being a point on the Westerly right-of-way line of 21st Street as shown on said Record of Survey Map;

THENCE along the Northerly line of said State Department of Agriculture parcel, North 81°36'00" West, 119.01 feet;

THENCE along the Westerly line of the Pinion Park lease line as shown on said Record of Survey, South 16°46'00" West, 33.50 feet;

THENCE continuing along said Westerly line, South 00°15'04" West, 257.47 feet to the Southwesterly corner thereof;

THENCE North 88°28'00" East, 125.05 feet;

THENCE North 0°45'00" East, 268.83 feet to the POINT OF BEGINNING;

Said area being 35,159 square feet, 0.807 acres, more or less.

Area 2

**COMMENCING** at the Northeasterly corner of said State Department of Agriculture parcel, also being a point on the Westerly right-of-way line of 21st Street as shown on said Record of Survey Map; THENCE South 0°45'00" West, 268.83 feet to the POINT OF BEGINNING;

THENCE continuing along the Westerly right-of-way line of 21st Street South 0°45'00" West, 361.77 feet;

THENCE South 89°05'10" West, 114.54 feet;

THENCE North 00°54'50" West, 360.26 feet;

THENCE North 88°28'00" East, 125.05 feet to the POINT OF BEGINNING;

Said area being 43,234 square feet, 0.992 acres, more or less.

2. Except as otherwise provided in this section, the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services, in cooperation with the State Public Works Board, the Administrator of the Office of Historic Preservation of the Department of Cultural Affairs and any other persons with an interest in the matter, shall disinter certain human remains found in gravesites on the grounds of Northern Nevada Adult Mental Health Services that are outside of the area described in subsection 1 and reinter the remains within the area described in subsection 1. The remains to be relocated consist of a row of approximately 30 graves in an area east of the Dini-Townsend Hospital and west of the State Department of Agriculture building on the grounds of Northern Nevada Adult Mental Health Services.

3. The Administrator of the Division of Mental Health and Developmental Services:

(a) Shall adopt regulations pursuant to NRS 451.069 to 451.330, inclusive, concerning the disinterment and removal of remains pursuant to subsection 2.

(b) Shall not reinter remains in the area described in subsection 1 as “area 1” until the leasehold interest of the City of Sparks is terminated pursuant to subsection 7.

(c) Shall, except as otherwise provided in subsection 6, comply with all federal and state laws concerning burial sites and disinterment and reinterment of human remains.

4. The cost of disinterment and reinterment of remains pursuant to this section must be paid to the extent of available money from Project No. 07-C20 of the State Public Works Board, as approved in paragraph (b) of subsection 3 of section 1 of chapter 347, Statutes of Nevada 2007, at page 1637. To the extent that money is available for this purpose, the State Public Works Board shall provide, in consultation with the Administrator of the Office of Historic Preservation of the Department of Cultural Affairs and other persons with an interest in the matter, appropriate fencing and a memorial monument for the cemetery.

5. The Administrator of the Office of Historic Preservation of the Department of Cultural Affairs shall, in consultation with persons with an interest in the matter and to the extent of available money, oversee the maintenance and improvement of the historic cemetery established pursuant to this section. ~~It is hereby repealed and replaced by~~ **by Northern Nevada Adult Mental Health Services of the Division of Mental Health and Developmental Services of the Department of Health and Human Services.**

6. The provisions of NRS 451.045 do not apply to the disinterment of remains required by subsection 2. The provisions of NRS 452.001 to 452.610, inclusive, do not apply to the historic cemetery established by this section.

7. The area designated in subsection 1 as “area 1” is the portion of the historic cemetery leased to the City of Sparks by a lease dated September 10, 1959, and is subject to that lease until it is terminated by the State of Nevada. The State of Nevada shall give an appropriate 180-day written notice of termination as provided in the lease and shall terminate the lease. Upon termination of the lease, that area becomes a part of the historic cemetery established by this section.

Sec. 2. Section 1 of chapter 184, Statutes of Nevada 1949, at page 408, is hereby repealed.

#### TEXT OF REPEALED SECTION

##### **Section 1 of chapter 184, Statutes of Nevada 1949:**

SECTION 1. Notwithstanding any other provision of law, it is hereby made the specific duty of the board of commissioners of the Nevada hospital for mental diseases to abolish the use of any cemeteries now located on the

hospital grounds. It is further made the specific duty of said board to provide a decent burial for any inmate or patient who dies while such an inmate, at any cemetery without the hospital grounds, and in so doing, the said board of commissioners is authorized to enter into a contract with any person or persons, including governmental agencies or instrumentalities, as it deems proper, for such a decent burial, or it may provide for any sort of an arrangement under the operating head of the hospital. The cost of such burial, where there are known relatives, shall be borne by such relatives, and where there are no known relatives, the cost of such burial shall be a charge against the State of Nevada, but the cost thereof shall not exceed the amount charged for the burial of indigents in the county in which the burial takes place. When any person who is an inmate of said hospital dies while such inmate, any known relatives or friends of such person shall be notified immediately of the fact of death, and in the event there is no known relative or friend of such inmate, notice shall be given by publication for one insertion in a newspaper to be chosen by said board of commissioners for such purpose. The board of commissioners is specifically charged with the duty of giving such notification and may delegate such duty to the superintendent.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 287.

Bill read second time and ordered to third reading.

Senate Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 605.

AN ACT relating to education; requiring ~~the Department of Education to ensure that~~ instruction ~~fin~~ on financial literacy ~~is provided to~~ for pupils enrolled in public high schools and certain charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the academic subjects, standards and courses of study for the public schools in this State. (Chapter 389 of NRS) This bill requires ~~the Department of Education to ensure that~~ instruction ~~fin~~ on financial literacy ~~is provided to~~ for pupils enrolled in the public high schools in each school district and in each charter school that operates as a high school.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The [Department shall ensure that instruction in financial literacy is provided to pupils enrolled in the public high schools within each school district and in]~~ board of trustees of each school district and the governing body of each charter school that [includes pupils enrolled at the high school grade levels.] operates as a high school shall ensure that instruction on financial literacy is provided to pupils enrolled in each public high school within the school district or in the charter school, as applicable. The instruction must include, without limitation:

(a) *The skills necessary to develop financial responsibility, including, without limitation:*

(1) *Making reasonable financial decisions by analyzing the alternatives and consequences of those financial decisions;*

(2) *Locating and evaluating financial information from various sources;*

(3) *Developing communication strategies to discuss financial issues;*

(4) *Controlling personal information; and*

(5) *Reviewing and summarizing federal and state consumer protection laws.*

(b) *The skills necessary to manage finances, including, without limitation:*

(1) *Developing a plan for spending and saving;*

(2) *Developing a system for keeping and using financial records; and*

(3) *Developing a personal financial plan.*

(c) *The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:*

(1) *Identifying the costs and benefits of various types of credit;*

(2) *Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;*

(3) *Describing the rights of a borrower regarding his credit report;*

(4) *Identifying methods to avoid and resolve debt problems; and*

(5) *Reviewing and summarizing federal and state consumer credit protection laws.*

(d) *The skills necessary to understand the basic principles of saving and investing, including, without limitation:*

(1) *Understanding how saving and investing contribute to financial well-being;*

(2) *Understanding the methods of investing and alternatives to investing;*

(3) *Understanding how to buy and sell investments; and*

(4) *Understanding how the regulation of financial institutions protects investors.*

2. *The instruction required by subsection 1 may be included within a course or program of instruction that pupils enrolled in high school are otherwise required to complete for graduation.*

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



Assemblywoman Parnell moved the adoption of the amendment.  
Amendment adopted.  
Bill ordered reprinted, reengrossed and to third reading.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 2009

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 30.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 30.  
Assemblywoman Gansert moved the adoption of the resolution.  
Remarks by Assemblymen Gansert, Anderson, Carpenter, and Cobb.  
Resolution adopted.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 337.  
Bill read third time.  
Remarks by Assemblywoman Leslie.  
Roll call on Assembly Bill No. 337:  
YEAS—40.  
NAYS—None.  
EXCUSED—Arberry, Mortenson—2.  
Assembly Bill No. 337 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.  
Bill ordered transmitted to the Senate.

Senate Bill No. 45.  
Bill read third time.  
Remarks by Assemblyman Gustavson.  
Roll call on Senate Bill No. 45:  
YEAS—40.  
NAYS—None.  
EXCUSED—Arberry, Mortenson—2.  
Senate Bill No. 45 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.  
Bill ordered transmitted to the Senate.

Senate Bill No. 49.  
Bill read third time.  
Roll call on Senate Bill No. 49:  
YEAS—40.  
NAYS—None.  
EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 49 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Roll call on Senate Bill No. 91:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 91 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 129.

Bill read third time.

Roll call on Senate Bill No. 129:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 129 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 142.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 142:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 142 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 220.

Bill read third time.

Remarks by Assemblywoman Spiegel.

Roll call on Senate Bill No. 220:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 220 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 280:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 280 having received a two-thirds majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblyman Claborn.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 300:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 300 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 304:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 304 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Senate Bill No. 307:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 307 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 335.

Bill read third time.

Roll call on Senate Bill No. 335:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 335 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 343:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 343 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Remarks by Assemblyman Segerblom.

Conflict of interest declared by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 348:

YEAS—39.

NAYS—None.

NOT VOTING—Ohrenschall.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 348 having received a constitutional majority,  
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 164:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Mortenson—2.

Senate Bill No. 164 having received a constitutional majority,  
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:44 p.m.

#### ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Aizley, Anderson, Arberry, Atkinson, Bobzien, Carpenter, Christensen, Claborn, 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:

Assembly Concurrent Resolution No. 32—Urging Congress to provide financial assistance for the repair of the Truckee Canal.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblymen Buckley, Grady, Goicoechea, and Ocegüera.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

## ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. The resolution sets out very well the history and the issues that we have with regard to the break that caused the flood in Fernley in January 2008. Earlier this session, we had a bill introduced in regards to financing, which made this issue come up. What is going to be the solution in regards to the repair of the Truckee Canal? This canal serves over 3,000 Nevada customers who rely on it for water delivery, but because the Bureau of Reclamation hasn't settled on a plan to permanently repair the canal, we are stuck in limbo. Water levels have been reduced by court order. Early estimates were that the Truckee Division users would receive only 90 percent of their normal supply and users in the Carson Division would receive only 75 percent of their normal supply. When we have below average snowfall like we have had this year, it is doubtful that even these reduced levels can be reached. And without a permanent repair, Fernley residents remain fearful of another breach.

This resolution urges Congress to provide the State of Nevada with financial assistance to permanently repair the Truckee Canal promptly. Initial estimates are that permanent upgrades to the entire system will cost hundreds of millions of dollars. Our senior senator has obtained a \$2.5 million appropriation to fund a study that is estimated to take two to three years. Meanwhile, the Truckee Canal Irrigation District insists that it could construct a concrete barrier along 11 miles of the canal at the breach site, which would allow flows to resume at normal levels more quickly. This is a plan the Bureau of Reclamation does not accept.

Regardless of who is right, the federal government, as owner of the project, is legally and morally obligated to redress this problem sooner, rather than later. The artificial drought caused by reducing water flows through the canal is creating a devastating hardship for western Nevada residents and farmers, one that cannot be sustained. This water supply needs to be restored now, not four or five years from now. Without water, the entire Lahontan Valley will be hurt. Assembly Concurrent Resolution 32 invites Congress to pay attention to this issue and to bring us some needed relief sooner, rather than later. I urge your support.

## ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 32. From the Truckee River Diversion in Storey County to Lake Lahonton, the Truckee Canal is all in District 38—a district which I represent. The canal breach in January of 2008 was very devastating to Fernley. It brought this relatively new city together. They need our help and I support the resolution and ask my colleagues to support the resolution.

## ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker pro Tempore. I also rise in support of ACR 32. As my colleague from southern Nevada stated Lahontan Valley cannot survive at this diminished rate. Presently the maximum flows in the Truckee Canal can only be 350 CFS. It requires 700 CFS just to deliver the appropriated water from the Truckee River to Lake Lahonton, and that would be 365

days per year. The Lahonton Canal, when running at full capacity, will flow at 1200 CFS. I don't know how many of you drive out towards Fallon, but stop and take a look at Lahonton today—we cannot survive. I appreciate your support. This has to be remedied, and a \$2.5 million study over the next three years is not the answer.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker pro Tempore. I rise in support of ACR 32. Years ago my grandfather, John R. Hannifin, ran the Truckee-Carson Irrigation District, so I am fairly familiar with the flood irrigation and how the Lahonton Valley and Fallon and other areas survive on that type of water flow. I am also familiar with the devastation in Fernley, and we do not want that to happen again.

Resolution adopted and ordered transmitted to the Senate.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 2009

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 31 and 32.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

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 12:54 p.m.

#### ASSEMBLY IN SESSION

At 12:54 p.m.

Madam Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 31.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblywoman Gansert.

Resolution adopted.

Senate Concurrent Resolution No. 32.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblymen Carpenter and Ohrenschall.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

#### REMARKS FROM THE FLOOR

Assemblyman Oceguela requested that the following proclamation be entered in the Journal:

**PROCLAMATION OF THE NEVADA STATE ASSEMBLY**

WHEREAS, During the week of May 11-16, 2009, National Police Week is observed throughout the nation to recognize and honor the courageous active, retired, and departed law enforcement officers who have served in the United States. National Police Week was established by a joint resolution of Congress in 1962; and

WHEREAS, The dedicated men and women who work as law enforcement officers face extraordinary risk and danger while preserving the freedom, safety, and security of others; and

WHEREAS, There are approximately 900,000 law enforcement officers currently serving in communities across the United States, including 17,388 law enforcement officers in Nevada; and

WHEREAS, An average 60,000 assaults against law enforcement officers are reported each year in the United States, resulting in law enforcement officers enduring approximately 16,000 injuries annually; and

WHEREAS, Since the first recorded death in 1792, more than 18,000 law enforcement officers in the United States have been killed in the line of duty; now, therefore, be it

PROCLAIMED, That during National Police Week, all Nevadans are encouraged to remember the thousands of law enforcement officers who have lost their lives while protecting their communities. Nevadans are also encouraged to express their appreciation to Nevada's active and retired law enforcement officers; and be it further

PROCLAIMED, That the Nevada State Assembly, in coordination with National Police Week, hereby proclaims May 7, 2009, as Peace Officers' Memorial Day in the State of Nevada. The Nevada State Assembly is forever grateful to all of the noble Nevada law enforcement officers who made the ultimate sacrifice while promoting the well-being and protection of their fellow citizens.

DATED this 7th day of May, 2009.

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

**GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR**

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Daykin, former Assemblywoman Genie Ohrenschall, Linda Daykin, Philip Daykin, former Assemblyman Bob Price, Nancy Price, and Tyler Daykin.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Elisika Arango, Nathan Arango, Mark Elston, Beverly Elston, Mike Lucke, Alan Kingsley, Gordy Cowan, and Clint Thiesse.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Wallace.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to John P. Copoulos, Chris Eliopoulos, Jim Nicholson, Robert Lindsey, and Georgene E. Lindsey.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Kids for a Healthy Heart: Enrique Sanchez, Brianna Alvarado, Aubrey Alotta, Dillon Culver, Abigail Downs, Sydney Mills, Tatum Woods, Alex Honeycutt, Jesus Benitez Ramos, Daisy Nunez, Elizabeth Heinz, Matthew McCarthy, Marcel Brown, Jenna Wong-Fortunato, Morgan Tingle, Jose

Vargas, Jacob sheldon, Zachariah Simms, Andrew Updegrove, Caroline Gabica, Kelly Canfield, Tristan Martel, Ethan Lopes, Connor Pradere, Kaitlyn Vairo, Kyndra Hollooway, Erika Murray, Ron Pacheco, and Rebecca Rund.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Mel Meier, Dennis Meier, and Nick Vander Poel.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from David M. Cox Elementary School: Ainsley Banaga, Giavonna Bethea, Daniel Boeres, Sophia Burnette, Joseph Delgado, Zakary Dravenstatt, Chelsea Gleason, Natalie Hunsaker, Jordan Kowalski, Eesha Kripalani, Sean Odell, Marissa Orlando, Allison Petix, Ashley Redmond, Alexis Rzesnowiecky, Danny Sanchez, Maximillian Schultz, Adelynn Tourondel, Colby Young, Victoria Young, Joseph Adams, Ana Andrade, Anthony Canedo, Noah Ellis, Jacob Fick, Matthew Gregory, James Hawley, Felipe Herrera, Juliana Hollenbeck, Donna Lee, Jenny Liu, Alexis Mata, Feliz Mendoza, Heidi Moser, Jennifer Sawtelle, Michael Sawtelle, Nathan Scott, Ethan Smith, Braeden Traficanti, Kylie Jameson, Robert Turek, David Wasington, Kylie Whalen, Jamie Hannah, David Westendorf, Anita Henson, and Nathan Mollinedo.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from High Desert Montessori School: Kaylee Aceves, Mariah Bear, Mason Berfield, Heath Blake, Johnny Botelho, Garrett Brehler, Kristina Caywood, Benjamin Charley, Lindsey Christianson, Megan Davis, Ashley De Luca, Stephanie Dufoe, Thomas Friberg, Alejandro Keir, Henry Lee, Veronica LuVisi, Lisa Martin, Samantha Martinez, Tyler Miller, Natalie Nerey-Chavez, Selena Newman, Alexandra Orellana, Johanna Reyner, Guadalupe Reyes-Matute, Vince Stuart, Taylor Thorpe, Toni Tallifer, Sarah Vangegrift, and Nicole Young.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Lorraine Alderman.

Assemblyman Ocegüera moved that the Assembly adjourn until Friday, May 8, 2009, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:11 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*