

THE NINETEENTH DAY

CARSON CITY (Friday), February 20, 2009

Senate called to order at 10:40 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gary Gryte.

Father, We come asking for wisdom and courage.

In scripture, You once asked Daniel to tell Nebuchadnezzar that his kingdom, power and position came from God. Not believing in God at all, Nebuchadnezzar felt that Daniel was quite naïve in power and politics. One golden statue experience and a couple of egotistic failures later and Nebuchadnezzar knew Daniel had had it right all along; so it is in our day with presidents, Senators, secretaries, sergeants and security.

May we do well with the responsibilities and positions God has ordained we possess. It is, then, with privilege, honor and creative goodness that we lead the citizens of the great State of Nevada.

Blessings on us all; we pray in the Name of Jesus.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Energy, Infrastructure and Transportation, to which was referred Senate Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 19, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 8, 9.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

COMMUNICATIONS
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON D.C. 20515

February 18, 2009

THE HONORABLE STEPHEN HORSFORD, *Senate Majority Leader*, State of Nevada Senate,
Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR HORSFORD AND SPEAKER BUCKLEY:

I am writing to express my desire to address both Houses of the Legislature during the 2009 Legislative Session. I would enjoy the opportunity to address the Legislature about the recent American Recovery and Reinvestment Act and other national economic challenges that

confront the Congress and the country. These issues affect Nevada citizens directly and the perspectives of the members of the Nevada Legislature are paramount to my decision making as we work to solve these issues to the benefit of our citizens.

I understand that March 30, 2009, at 11 a.m. is available, and if you could confirm the details regarding my address to the Legislature, I would appreciate it. Please direct any communication to my District Director, Tod Story. He can be reached at 702-220-9823. Thank you, and I look forward to hearing from you.

Sincerely,
SHELLY BERKLEY
Member of Congress

WAIVERS AND EXEMPTIONS

February 19, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 2.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 4, 6, 20, 24, 33, 69, 70, 118, 122, 132.

GARY GHIGGERI
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Parks:

Senate Bill No. 153—AN ACT relating to corporations; requiring certain charitable corporations, before soliciting contributions, to register with the Secretary of State; providing that registration must not be construed as an endorsement of the charitable corporation; requiring the Secretary of State to provide certain information concerning a charitable corporation to the public; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 63.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time and ordered to third reading.

Senate Bill No. 105.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 9 of the 74th Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.

Bill read third time.

Roll call on Senate Bill No. 23:

YEAS—21.

NAYS—None.

Senate Bill No. 23 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100.

Bill read third time.

Remarks by Senators Carlton and Care.

Senator Carlton requested that the following remarks be entered in the Journal.

SENATOR CARLTON:

Thank you, Mr. President. I would like to ask the Chair of the Judiciary Committee to break this down for me so that I understand how this relates to plea bargaining. We know a person can be brought in for one thing and it can be bargained down to another. How does this matrix address that issue?

SENATOR CARE:

Thank you, Mr. President. Under current statute, if a person is called forth for revocation of his/her license based upon a Driving Under the Influence conviction, the examination is based upon how many convictions that person has had within the previous seven-year period. If it the first offense in seven years, it is one thing; if it is the second offense, it is another; third, it is quite another.

What has happened is there has been plea bargaining when someone has one conviction, and then, two years later, the person is charged again and pleads down and agrees to be convicted of a first-time offense; even though it is the second offense within seven years.

In anticipation of a case that has already gone to the Nevada Supreme Court, ruled on January 29, 2009, the Court gave a literal meaning to that statute and said, "No, even though you plead guilty to a first and it really is your second, it is still your first for purposes of the statute." What this bill does is say that it does not matter if you plead down to first offense, it still counts as your second conviction for purposes of revocation hearings.

Roll call on Senate Bill No. 100:

YEAS—21.

NAYS—None.

Senate Bill No. 100 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Molly Miller.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Mark Lera, Kallie Day and Jennifer Hooshmand.

Senator Horsford moved that the Senate adjourn until Monday, February 23, 2009, at 11 a.m. and that it do so in memory of our first President, George Washington.

Motion carried.

Senate adjourned at 11 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate