

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 26, 2009

Senate called to order at 11:21 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Chuck Durante.

Holy and Gracious Creator, we come before You this crisp spring day and give You thanks.

Thank You for all You have entrusted to us, and help us to be good stewards of it for the generations to come.

In these difficult economic times for Nevada, our Nation and our world, send forth Your wisdom and understanding, knowledge and right judgment upon all our law makers. Grant to them discerning hearts and minds that their decisions may be for the common good, always aware of the weakest and most vulnerable among us.

Fill each of us with the courage to do Your will. Bless our families, our neighborhoods and our State that all who live here may have the opportunity to become all that You created us to be.

We make this prayer as Your grateful and humble people.

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 Commerce and Labor, to which was referred Senate Bill No. 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Health and Education, to which was referred Senate Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Education, to which was referred Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Judiciary.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 169, 333; Assembly Joint Resolution No. 3 of the 74th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERRY CARE, *Chair*

COMMUNICATIONS
UNITED STATES SENATE
WASHINGTON, D.C. 20510-2805

March 6, 2009

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

DEAR SENATOR HORSFORD:

I respectfully request that you allow me the honor and privilege of addressing a joint session of the Nevada State Legislature on Thursday, April 16, 2009. I would greatly appreciate it if you would provide me the time slot from 12:00 p.m. until 1:00 p.m.

I look forward to addressing the Legislature.

Sincerely,

JOHN ENSIGN

United States Senator

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Wiener, Amodei, Breedon, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Woodhouse; Assemblymen Segerblom, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, 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, Ocegvera, Ohrenschall, Parnell, Pierce, Settelmeyer, Smith, Spiegel, Stewart and Woodbury:

Senate Concurrent Resolution No. 21—Promoting awareness of building, fire and life safety standards for certain facilities that board animals.

WHEREAS, The human-animal bond is a mutually beneficial and dynamic relationship between people and animals that is influenced by behaviors that are essential to the health and well-being of both; and

WHEREAS, Facilities that house animals are broadly classified as storage or retail facilities, and based upon review of available fire loss data, the current building, fire and life safety codes do not address the safety of the animal occupants; and

WHEREAS, These facilities are subject to disasters such as fire, flooding, high winds, earthquakes, blizzards, hazardous material spills and any number of other events; and

WHEREAS, Both domesticated and feral animals lack the ability of self-preservation when housed in buildings and other structures and are unable to escape or care for themselves in a fire; and

WHEREAS, Traditional building, fire and life safety codes lack specificity and do not address mandates such as the fire resistance rating of structural elements, smoke management systems, fire sprinklers, fire alarms and means of egress for animal inhabitants; and

WHEREAS, The National Fire Protection Association, through the efforts of its Technical Committee on Animal Housing Facilities, has taken an important step forward to remedy this situation by publishing *NFPA 150: Standard on Fire and Life Safety in Animal Housing Facilities*, which provides minimum requirements for the design, construction, fire

protection and classification of animal housing facilities and provides additional safeguards for animals; and

WHEREAS, The Technical Committee, with members from various interest groups such as consultants, government officials, manufacturers, zoos, insurance companies, animal welfare organizations, works to facilitate better care for all animals; and

WHEREAS, According to *NFPA 101: Life Safety Code*, which is enforced in 40 states, storage occupancies are defined as those occupancies used for the storage or sheltering of goods, merchandise, products, vehicles or animals, and *NFPA 150* bridges the gap between the adopted fire and building codes with regard to facilities that care for or manage animals; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 75th Session of the Nevada Legislature join with all Nevadans in encouraging the establishment and enforcement of building, fire and life safety codes that protect animals that have been put in our care; and be it further

RESOLVED, That this Legislature supports *NFPA 150* as a standard for the housing and protection of animals; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Nevada Veterinary Medical Association, Nevada Humane Society, SPCA of Northern Nevada, Nevada Society for the Prevention of Cruelty to Animals, Nevada State Fire Marshal, Fire Chief of the Clark County Fire Department, Nevada Association of Counties, and Nevada League of Cities and Municipalities for distribution to their members, as appropriate.

Senator Wiener moved the adoption of the resolution.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

It is my great pleasure to introduce Senate Resolution No. 21 to you and to urge your support.

As most of you know, I love animals. Whenever I visit schools, the children often ask me about my family. I explain that I do not have parents. I do not have a husband. I do not have children. But, I do have "kids." They are my four, furry felines; Demo Cat, my 12-year-old tabby who adopted me in this building on the Fourth of July, 1997; Patriot and Liberty my 3-year-old twins; Lilac, Point Siamese; and Freedom, my 8-month-old tabby. These are not just part of my family; they are my family, and they definitely know it.

Those of us who have one or more pet companions know that we are responsible for caring for them and keeping them safe. My felines have spent more time than they would prefer in overnight or multi-day stays at the vet clinic. I know that when they are away from home, they are safe.

However, during the interim, I was reminded that it can be dangerous for some animals when they are housed in what might not be an animal-safe environment.

Months ago, a constituent contacted me to share her concerns about animal safety. She had read an article about all the animals in a Las Vegas veterinary hospital that had died in a late-night fire. She asked me to sponsor legislation to prevent this from happening again.

During my research, I learned that most fire codes, including those in Nevada, do not even have a category for animal-housing facilities. Instead, these facilities are categorized under fire standards for "retail buildings" or "storage facilities."

Clearly, these standards do not consider the special needs of animals that are confined and cannot escape a fire on their own. This means that even the most well-intentioned builders of Nevada's shelters, boarding kennels, research laboratories, veterinary clinics and other animal housing facilities have no clear guidance on the best ways to keep the animals safe from tragedy in the event of fire.

The National Fire Protection Association has spent years developing and honing its Code 150, entitled "Standard on Fire and Life Safety in Animal Housing Facilities."

I have discussed Code 150 with State Fire Marshal James Wright and other fire safety officials. They were receptive to the idea of studying the standards and adapting them to meet Nevada's needs. I am convinced there will be strong support for moving toward a fire-safety code for animals.

I chose not to introduce a bill mandating adoption of Code 150. Existing law contains a mechanism for adopting and modifying codes. In addition, the concept of a fire code for animal-housing facilities is new in Nevada, as it is in many other states. At this point, I believe evaluation, collaboration and communication will yield better results than a mandate.

This resolution is designed as an educational tool for use by the fire-safety community, local and State officials, the veterinary community, nonprofit agencies and other interested parties. I view it as a good starting point. Therefore, for the sake of all the animals relying on us for their safety and their very lives, I urge adoption of Senate Concurrent Resolution No. 21. Thank you.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Wiener moved that Senate Bill No. 262 be rereferred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 36.

Bill read second time and ordered to third reading.

Senate Bill No. 249.

Bill read second time and ordered to third reading.

Senate Bill No. 277.

Bill read second time and ordered to third reading.

Senate Bill No. 307.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3 of the 74th Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 163.

Bill read third time.

Roll call on Senate Bill No. 163:

YEAS—21.

NAYS—None.

Senate Bill No. 163 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 184.

Bill read third time.

Senator Townsend disclosed that his wife is a licensee of the Real Estate Division both as a licensee and as a broker.

Senator Parks disclosed that he is a real estate licensee.

Senator Lee disclosed that his wife has a real estate license.

Senator Nolan disclosed that he is a commercial real-estate broker.

Roll call on Senate Bill No. 184:

YEAS—21.

NAYS—None.

Senate Bill No. 184 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the following students from the Mamie Towles Elementary School: Nia Black, Tatiana Buensuceso, Aidan Castaneda, Benjamin Cleymaet, Tatyana Collazo, Kaden Connor, Sierra Forsythe, Zachary Green, Victoria Heath, Anthony Henry, Jason Lakis, Angelica Maldonado-Gonzalez, Loren Parvin, Gregory Payne, Kate Pineda Somoza, Makenna Price, Kaitlyn Renwick, Alice Ruckstuhl, Allisyn Walker, Andrew West, Quinten Wiseman, Amber Rieger, Connor Holtshouser, Matthew Albanese, Deven Buensuceso, Aqib Chowdhury, Samin Chowdhury, Tyler-Ann Ellison, Jarem Eriksen, Ashlan Gardella, Raneasha Henderson, Grachy Iraheta, Winter Lucero, Julio Marquez-Rios, Jordin Medlock, Pennie Mitchell, Andrew Moore, Esther Nakayu, Jackson Pena, Zachary Phillips, Jack Rice, Brent Ruiz-Hernandez, Rajid Selim, Kayla Smith, Haylee Wolfsteller, Abby Woodhouse, Samson Martinez, Joshua Horton, Hannah Horton and Nahin Chowdhury.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Michelle Wagner, James M. Wright and Woodrow "Woody" Allen.

On request of President Krolicki, the privilege of the floor of the Senate Chamber for this day was extended to Caroline Krolicki.

Senator Horsford moved that the Senate adjourn until Monday, March 30, 2009, at 10:30 a.m.

Motion carried.

Senate adjourned at 11:46 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate