

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 1, 2009

Senate called to order at 11:18 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Jeffrey Paul.

Almighty and Eternal God, whose humor knows no bounds on this April Fools' day, so draw our hearts to You, so guide our minds, so fill our imaginations, so quicken our wills, that we may be wholly Yours, utterly dedicated to you; and then use us, we pray, as You will, and always to Your glory and the welfare of Your people. In Your Name, we pray.

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. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

Mr. President:

Your Committee on Energy, Infrastructure and Transportation, to which were referred Senate Bills Nos. 136, 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 213, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 59, 155, 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Health and Education, to which were referred Senate Bills Nos. 220, 302, 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 were referred Senate Bills Nos. 4, 19, 54, 159; Assembly Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Education, to which was referred Senate Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VALERIE WIENER, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 35, 45, 55, 68, 101, 106, 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*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 30, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 21.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, March 31, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions Nos. 22, 23, 24.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

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

March 30, 2009

THE HONORABLE STEVEN HORSFORD,
ASSEMBLYWOMAN BARBARA BUCKLEY:

Legislative Building, 401 South Carson Street, Carson City, Nevada 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 17th 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

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

March 31, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 233, 390.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Concurrent Resolution No. 22—Encouraging the Department of Education, school districts and the Nevada System of Higher Education to increase participation in adult high school programs and enrollment in college.

WHEREAS, The most recent graduation indicators show that only 67.4 percent of Nevada's 12th graders graduated in 2007 and 4.8 percent of all pupils dropped out of school that same year; and

WHEREAS, The Nevada Department of Education has several programs for adults who seek additional education, including adult basic education, English as a second language, adult high school diploma programs and general educational development; and

WHEREAS, School districts in this State provide adult high school diploma programs which allow adults who did not graduate high school to obtain an adult standard diploma and to provide other educational services to adults; and

WHEREAS, The United States Office of Management and Budget gave Nevada's adult education program the highest rating, making Nevada only one of two adult education programs to receive the highest rating; and

WHEREAS, According to one study, adults who have not graduated high school earn an average of \$21,600 annually, but that amount increases to \$30,800 for high school graduates, \$37,600 for adults with an associate's degree and continues to increase with each additional level of completion of postsecondary education; and

WHEREAS, Attending college also corresponds with lower levels of unemployment and poverty, lower incarceration rates and higher levels of civic participation; 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 hereby recognize the importance of adult education programs in this State and continuing education beyond secondary education; and be it further

RESOLVED, That the Nevada Department of Education and the school districts in this State are encouraged to work in collaboration with the Nevada System of Higher Education to increase participation in adult education programs, to increase the number of adults who obtain adult high school diplomas and to enroll those adults in a college to continue their education; and be it further

RESOLVED, That adults who obtain an adult standard diploma are hereby encouraged to further their education by enrolling in college; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the State Director of Adult Education, the superintendent of each school district in this State and the Director of Admissions for each college within the Nevada System of Higher Education.

Senator Cegavske moved the adoption of the resolution.

Remarks by Senator Cegavske.

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

This resolution encourages Nevada's Department of Education, System of Higher Education and school districts to work together on increasing participation in adult-education programs. The goal is to increase the number of adults who complete their high school diplomas, and to encourage them to go on to college.

Currently, the Department of Education and school districts have a number of adult-education programs, including high school diploma courses, which allow adults who dropped out of high school to obtain diplomas and to receive additional educational services.

Adult-education programs and continuing education through college are critical in today's society as most upwardly-mobile positions require, at the very least, a high school diploma or equivalent. Studies have shown that a more educated populace correlates to less unemployment and poverty, lower imprisonment rates and greater civic participation.

Adult education has always been important, and with our current economy, it is more vital than ever.

I ask for your support of this resolution and your commitment to adult-education programs throughout Nevada.

Resolution adopted.

Senator Cegavske moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 22 be immediately transmitted to the Assembly.

Motion carried unanimously.

Senate Concurrent Resolution No. 3.

Resolution read.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 8.

"SUMMARY—Expresses Disapproval of certain civil actions brought and maintained against the livestock industry and the Bureau of Land Management in Nevada. (BDR R-496)"

SENATE CONCURRENT RESOLUTION—Expressing disapproval of certain civil actions brought and maintained against the livestock industry and the Bureau of Land Management in Nevada.

WHEREAS, The Bureau of Land Management and various local ranchers in Nevada have been working cooperatively for several years concerning the issuance and renewal of grazing permits for grazing allotments in Nevada; and

WHEREAS, ~~[As part of that] The Bureau of Land Management and those local ranchers have attempted through cooperative effort [on the Hubbard Vineyard Allotment located near Elko, Nevada, the Bureau of Land Management and local ranchers have attempted]~~ to improve range conditions by reducing or revising the amount of grazing that occurs each year on ~~the~~ grazing ~~allotment~~ allotments in Nevada and otherwise exercising

exceptional stewardship practices and cooperation between the Bureau of Land Management and the local ranchers concerning ~~the~~ *those* grazing ~~allotment~~ *allotments*; and

WHEREAS, Despite that spirit of cooperation and mutual approach to solving problems, civil actions have been filed and maintained concerning final multiple use decisions made by the Bureau of Land Management for ~~the~~ *those* grazing ~~allotment~~ *allotments*; and

WHEREAS, Although it is important to ensure that all applicable laws and regulations are complied with concerning the management of public grazing lands in Nevada, it is also important to encourage a spirit of cooperation and mutual approach to solving problems for all persons involved in the livestock industry in Nevada; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Nevada Legislature hereby expresses its disapproval of the civil actions brought and maintained against the livestock industry and the Bureau of Land Management in Nevada concerning final multiple use decisions made by the Bureau of Land Management for grazing allotments in Nevada for which significant cooperative efforts and grazing improvements have been made; and be it further

RESOLVED, That the Attorney General of the State of Nevada is hereby urged to take all available legal action in those civil actions to protect the interests of the State of Nevada in its rural communities and agricultural economy; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Governor of the State of Nevada, the Attorney General of the State of Nevada, the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the President of the National Cattlemen's Beef Association, the President of the Nevada Cattlemen's Association, the Executive Director of the Public Lands Council and each member of the Nevada Congressional Delegation.

Senator Parks moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Senate Concurrent Resolution No. 5.

Resolution read.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 67.

"SUMMARY—Commends the Wildfire Support Group. (BDR R-605)"

SENATE CONCURRENT RESOLUTION—Commending the Wildfire Support Group in Humboldt County and encouraging the expansion of the model to other areas of this State.

WHEREAS, The State of Nevada continues to rank as one of the states most affected by wildfire in this country, and as this cycle continues to be repeated year after year, it becomes clear that relying solely on rapid response and the ability of firefighters to suppress these fires cannot adequately address the threat, especially in the rural areas of this State; and

WHEREAS, Wildlife habitats, grazing lands, watersheds and scenic resources are vulnerable, and according to a recent assessment, almost a quarter of the communities evaluated in Nevada were ranked as having a high or extreme hazard of wildfire; and

WHEREAS, Local ranchers in Humboldt County proposed the idea of assisting the Winnemucca Field Office of the Bureau of Land Management in response to a particularly destructive fire season in 1999, which had caused sizeable resource damage and exceedingly high losses to the area's ranching industry; and

WHEREAS, The initial concept eventually became the Wildfire Support Group, composed of ranchers in Humboldt County who have been trained in basic wildland fire suppression, in cooperation with the Bureau of Land Management, to provide additional resources for initial attack on wildfires; and

WHEREAS, Members of the Wildfire Support Group are often the first on the scene of a wildfire, providing invaluable assistance in improving the ability of the Bureau of Land Management to locate, reach and subdue wildfires in remote areas and saving valuable time and resources for local land management agencies and fire departments; and

WHEREAS, In addition to assisting local governments in using their personnel and resources more effectively in response to wildfires, the Wildfire Support Group assists in efforts to preemptively reduce the risk of such hazards by reducing the amount of fuels present on public lands by means of fuels management grazing plans; and

WHEREAS, Constructed on a cost-share basis with the Bureau of Land Management, the Wildlife Support Group's grazing projects simultaneously benefit ranchers' livestock operations and reduce hazardous fuel loads in the wildland-urban interface; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That members of the 75th Nevada Legislature hereby commend the actions of the Wildfire Support Group and recognize that the Wildlife Support Group serves as an exemplary model of local residents cooperating with governmental entities and working to improve their community; and be it further

RESOLVED, That the Legislature hereby encourages residents and governmental entities in other areas of this State to adopt similar models; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Wildfire Support Group, the Board of County Commissioners of Humboldt County, the Winnemucca Field Office of the

Bureau of Land Management and the State Director of the Bureau of Land Management in Nevada.

Senator Parks moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Senate Concurrent Resolution No. 6.

Resolution read.

Senator Parks moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 21—Commending the extraordinary work of the Angel Kiss Foundation in helping families of children with cancer.

WHEREAS, The Angel Kiss Foundation was originally created in Virginia in 1990 by David and Barbara Rosin, in memory of five-year-old Jarryd, their grandson, who was diagnosed in 1987 with leukemia, and after they relocated to Reno, they saw the need for an organization to help families in Nevada, and they established the Angel Kiss Foundation in 1997; and

WHEREAS, Frequently, families with children in Northern Nevada who have cancer must travel out of state to access treatment, which often results in an additional burden on families who are already facing the challenges of maintaining a household, caring for other children, making medical decisions and paying the astronomical costs associated with cancer; and

WHEREAS, Since its inception, the Foundation has provided more than \$587,000 in direct assistance to more than 205 families in northern Nevada; and

WHEREAS, The Foundation serves northern Nevada as well as parts of central Nevada and the eastern Sierras in California; and

WHEREAS, In addition to financial assistance, the Foundation provides emotional support to children and families through its Connecting Families program, available to all families affected by pediatric cancer at no charge, with the goal of providing a safe social environment where children and families bond and parents keep abreast of all available resources through sharing experiences, ideas and information; and

WHEREAS, The Kids Club, one of the two subprograms of Connecting Families, allows children affected by pediatric cancer and their siblings to participate in activities such as pizza parties, art projects, cooking nights, pool tournaments, outings and games, while providing parents with some downtime without the need to pay child care costs; and

WHEREAS, Courage Together, the other subprogram, is a collaborative effort with the Keaton Raphael Memorial Foundation and provides peer support groups for children with cancer and their families in a safe, professionally supervised environment; and

WHEREAS, In addition to the core programs, which provide financial assistance and emotional support, the Angel Kiss Foundation offers many more services to children affected by cancer and their families, including professional referral services and an on-line community forum, and also hosts social events such as holiday parties; and

WHEREAS, The Angel Kiss Foundation's commendable work generously provides invaluable financial assistance and emotional support to cancer-stricken children and their families in times of their greatest need, ensuring that children in northern Nevada have access to treatment, regardless of their families' financial situations; 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 hereby express their sincere gratitude to the Angel Kiss Foundation; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Rosin Family and to Julie Tholl DeJan, Executive Director of the Angel Kiss Foundation.

Senator Mathews moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

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.

Senator Cegavske moved the adoption of the resolution.

Remarks by Senator Cegavske.

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

This resolution recognizes the extraordinary charitable work performed by the Kerak Shrine Temple and the Zelzah Shrine Temple. These humanitarians have showed the Nation how a social organization can go from wearing funny hats and sponsoring circus acts to forever changing the lives of children with physical impediments.

As the resolution indicated, the organization operates 22 Shiners Hospitals that offer free specialty care and operations to children with conditions ranging from spinal-cord injuries to

cleft palates. Many of the children they treat are brought into the hospitals in wheelchairs but leave on their own two feet. Without their help, these children probably would have faced a lifetime of pain and discomfort.

Although the Nevada Legislature often resembles a circus, I think it is safe to say that we are not nearly as entertaining as the "World Famous Shrine Circus." I want to thank this wonderful organization for not only keeping us entertained for over 100 years but also for ensuring that roughly 865,000 children live happy and healthy lives. I applaud their work and hope that they can continue serving children for another 100 years.

I would like to mention one person in particular who we worked with. His name is Joe Alvarado from Whitney Elementary School. The Shriners have selected several children from that school who they have taken to California for treatment. One young boy had an ear that had to be replaced. The Shrine is a quiet secret. If you know of any schools whose students need to be rescued, the Shrine is an incredible organization and is to be commended for its work.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

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.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senator Woodhouse.

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

As the resolution notes, the next United States Census will be conducted just one year from now. The date of the 2010 Federal Census is April 1, 2010, and that is not an April Fool's joke. The Census is only conducted once every ten years, so it is vitally important that we start our efforts now to make sure that every single resident of Nevada is counted. With federal dollars in short supply, we simply cannot afford to lose federal funding that is largely based on our population count.

Also, population projections by Nevada's State Demographer indicate that our State will have sufficient population by 2010 to gain a fourth seat in the United States House of Representatives. We must not jeopardize any of this with an undercount of our population next year. Businesses,

community groups and local governments throughout Nevada will be working cooperatively over the next 12 months to ensure a complete count.

The endorsement of these efforts by the Legislature, and designating the next 365 days as the "Year of the Census," will provide a great start for the work ahead. I ask for your support of this resolution and your commitment to spread the word about the importance of counting all Nevadans in 2010.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

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.

Senator Coffin moved the adoption of the resolution.

Remarks by Senator Coffin.

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

I would like to add a few words to those of the resolution. Immigrant movements in Nevada started in the 1870s according to the resolution, but let us honor the first people who came to this country. Some 25,000 years ago, Native Americans came here from Asia by way of the Bering Land Bridge. They may have come here to escape persecution by other tribes who were, perhaps, superior in number. They might have been the first. We do not really know. In hundreds of years, with anthropological studies and digs, we may find out more about who the first people were.

In the 1770s, there was exploration of southern Nevada by the Spaniards. The military and religious Spanish settled into these areas. They came through this area and probably left offspring throughout the southwest region.

The Mormons were the first real settlers who came to Nevada. They came here in the 1850s to Genoa, and in 1855, they settled in Las Vegas. They colonized the areas because they knew how to cultivate the land. They were able to sustain their mission in the north longer than in the south. It was harsher in the south, and they were called back to Utah after two years. They left their mark, and they still do to this day. Their mark is witnessed in our only urban State park in Las Vegas.

Immigrants continue to make their mark on the southern Nevada area and all through the State. In my district, alone, there are people who were born in over 100 different countries. My district is representative of many in the area. The labor pool which came primarily from Latin America during the past 20 years has provided the fuel for the growth of southern Nevada. While they were a factor in the agricultural areas of the State, the Latino people who moved to southern Nevada have provided the steady, inexpensive labor that built Las Vegas. That should never be forgotten. Many have gone home because of the lack of jobs, but they will be ready to come back if there is an opportunity that is not being fulfilled by the people who live here.

Those are the immigrants who have settled in this area. We do great honor to them with this resolution. Many people have braved the southwest desert to come to this State.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions Nos. 25, 26.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 25—Honoring Andre Agassi for his philanthropic vision and congratulating the first graduating class of the Andre Agassi College Preparatory Academy.

WHEREAS, In 1994, at the young age of 24 years and while still a professional tennis athlete, Andre Agassi founded the Andre Agassi Foundation to serve the needs of children within the community, including the opening of the Andre Agassi Boys and Girls Club; and

WHEREAS, While this work of the Foundation was vitally important, Andre Agassi realized that to give children real hope for a successful future, education would be the best vehicle; and

WHEREAS, In 2001, the Foundation opened the Andre Agassi College Preparatory Academy as a charter school in a socio-economically disadvantaged neighborhood in Las Vegas with the mission to enhance each student's character, motivation, self-discipline, self-respect and individualized learning to ensure that each of those students is adequately and fully prepared for college; and

WHEREAS, The Andre Agassi College Preparatory Academy currently enrolls 600 students in grades K-12 and has a waiting list of students each year; and

WHEREAS, The Andre Agassi College Preparatory Academy operates on the fundamental premise that if a child has the proper support, encouragement and respect, then a child may dare to dream of a successful future; and

WHEREAS, On June 12, 2009, 34 students will participate in the commencement ceremony of the first graduating class of the Andre Agassi College Preparatory Academy, and half of those students have already been accepted to 4-year colleges and universities; and

WHEREAS, Andre Agassi has expressed the belief that his professional work as a tennis player has enabled him to accomplish his real life's work, which is to help children and provide support to overcome obstacles, and Mr. Agassi is quoted as saying "through this support, thousands of children have the knowledge, confidence and skills to be successful. But most of all, they have hope"; 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 hereby honor Mr. Andre Agassi for his dedicated philanthropic work and vision on behalf of children; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature hereby congratulate the first graduating class of the Andre Agassi College Preparatory Academy for their hard work and accomplishments and hereby express support for a successful future for each of those students; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Andre Agassi, to Mr. Steve Miller, the Chief Executive Officer of the Andre Agassi Foundation, and to Ms. Marsha Irvin, the Chancellor for the Andre Agassi College Preparatory Academy.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

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

I am honored to stand here, today, to support this resolution. This vision, which was started some years ago by Andre Agassi, has been fulfilled in the lives of hundreds of children from the district I am honored to serve.

The resolution speaks to a number of the elements in the success that the Academy has experienced to date. There are several members of this body who have had the opportunity to visit the Academy. The difference it has truly made in the lives of young people and the beacon of light that it shines is an example of what we want all our children to have for an educational opportunity.

Later this afternoon, Mr. Agassi will be here to testify in the joint session of the Senate Health and Education and the Assembly Education Committees to continue his goal of pushing for more charter-school advancements in legislation because he believes that it is that type of reform that will help all of our public schools move forward.

Among the 34 students graduating this year, half have already been accepted to colleges and universities. One has been accepted to West Point. When you look at the challenges many of these students faced, to know they have the hope to be anything and everything they want to be,

that is the vision that has been carried out. We commend the work of the Andre Agassi College Preparatory Academy.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 26—Memorializing native Nevadan and public servant David H. Fulstone II.

WHEREAS, David H. "Davey" Fulstone II, whose Lyon County family roots can be traced back to the 1800s, was born in Yerington on December 23, 1950, to David and Angelina Fulstone and lived in Yerington for his entire life; and

WHEREAS, This native Nevadan spent over 40 years farming with his father and was a staunch activist for agricultural issues and matters related to the Walker River as he kept abreast of current issues and tried to preserve the local heritage and way of life; and

WHEREAS, On September 10, 1977, David married his beloved wife Diane Reynolds, whose lifelong support, including accompanying him to Israel to study water conservation techniques and different methods of farming, was invaluable in every aspect of his life; and

WHEREAS, Because of his devotion to issues that were important to Mason Valley, this mentor and leader was actively involved in public service, serving on the Lyon County Board of Commissioners for 8 years, on the National Commission on Agricultural Finance as an appointee of President Reagan, on the Board of Directors of the Walker River Irrigation District and as President of the Nevada Farm Bureau for 10 years, during which he traveled to five European countries and to Japan on trade missions; and

WHEREAS, His community service also included membership in and two terms as President of the Rotary Club of Yerington, by which he was recognized as a Paul Harris Fellow, service on the Board of the Mason Valley Fire Protection District, membership in the Walker Basin Project Stakeholders Group and the establishment of a popular, local radio talk show; and

WHEREAS, In an effort to improve people's lives in our State and throughout the world, this dedicated Nevadan served on the Desert Research Institute Research Foundation Board; and

WHEREAS, One of the greatest attestations to a life well-lived is the praise of those who know a person best, and Davey's friends, neighbors and those with whom he worked offer the highest praise for him and express the hole his absence leaves in their hearts and in all of Lyon County because of his unique place in the community; and

WHEREAS, David Fulstone is survived by his wife Diane, his two sons Joshua and Jeffrey, his father David, his sister DeeAnn and innumerable friends; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Nevada Legislature wish to express their sincerest condolences to the family and friends of Davey Fulstone; and be it further

RESOLVED, That the best way to honor this dedicated public servant is for each individual Nevadan to follow his example of service to the community and the State and continually strive to advance the causes in which he believes; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Davey's loving wife Diane and his sons Joshua and Jeffrey.

Senator Amodei moved the adoption of the resolution.

Remarks by Senators Amodei and Coffin.

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

SENATOR AMODEI:

It is appropriate, today, that we do a resolution for David Fulstone II who was a founder of the University of Wabaska. Though it is not known as a school of higher learning in this State, it is an institution that the Fulstone family, with some help from others living in the Mason Valley, developed to help people understand resources, the Mason Valley and the State as a whole.

When you talk about David Fulstone II, you talk about someone who was the fabric of agriculture, higher education and the Desert Research Institute in this State. He was part of the fabric of the community of Mason Valley. His family, civic organizations, including Boys and Girls Clubs, and schools were all important to him. I commend your support of this resolution for someone who was a true asset and a great addition to the State of Nevada. He is deserving of this honor.

SENATOR COFFIN:

Thank you, Mr. President. I join in, too. I first met Dave when I started as a freshman Assemblyman in 1983. Dave was a gentle giant of a man. He was present whenever there were agricultural budgets being discussed. He was active in all of these issues and with the Farm Bureau. As a city boy, I got an early education on how things really worked in the rest of Nevada.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Horsford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: DAILY SPARKS TRIBUNE/NEVADALABOR.COM: Andrew L. Barbano; KNPB-TV: Tyler McPherron and NEVADA SAGEBRUSH: Jessica Fryman.

Motion carried.

Senator Care moved that Senate Bills Nos. 36, 49, 129, 169, 215, 231, 249, 277, 307, 333; Senate Joint Resolution No. 3 of the 74th Session; Assembly Joint Resolution No. 3 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Care.

Motion carried.

Senator Horsford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:22 p.m.

SENATE IN SESSION

At 12:29 p.m.

President Krolicki presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Energy, Infrastructure and Transportation:

Amendment No. 84.

"SUMMARY—Revises provisions governing speed limits in school zones and school crossing zones. (BDR 43-384)"

"AN ACT relating to traffic laws; revising provisions governing speed limits in school zones and school crossing zones; ~~providing for different school zone speed limits based on the grade level of students attending the school; authorizing local school and law enforcement personnel to adjust school zone and school crossing zone speed limits in certain circumstances; providing penalties;~~ and providing other matters properly relating thereto." Legislative Counsel's Digest:

With limited exceptions, existing law provides for a speed limit of 15 miles per hour in a school zone and a speed limit of 25 miles per hour in a school crossing zone, and authorizes certain local school and law enforcement personnel to determine the times when such school zone and school crossing zone speed limits are to be in effect. (NRS 484.1485, 484.149, 484.366) ~~[This bill provides for different school zone speed limits based on the grade level of the students at each school, with an increased speed limit for schools with students in higher grades, and also authorizes certain local school and law enforcement personnel to vary the statutory speed limits within certain parameters. This bill provides further for a limitation on the amount of time in each day that a school zone or school crossing zone speed limit may be in effect. Additionally, this bill provides for penalties for a violation of the speed limit in a school zone or school crossing zone, with graduated penalties based on how many miles per hour in excess of the posted speed limit the driver is driving.] This bill revises provisions defining a school zone and defining when children are present for the purposes of school zones and school crossing zones.~~

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

Section 1. NRS 484.149 is hereby amended to read as follows:

484.149 "School zone" means those sections of *streets* which are adjacent to school property ~~[] and to which access by a person on such school property is not ~~impeded or~~ prevented by a physical barrier, including, without limitation, a block wall or chain-link fence.~~

Sec. 2. NRS 484.366 is hereby amended to read as follows:

484.366 1. A ~~[Except as otherwise provided in subsection 7, a]~~ person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone ~~[for an elementary school, as that term is defined in NRS 388.020, or any school that includes pupils in elementary school grades,]~~ except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation; ~~[In a fixed zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) The yellow lights of the operational speed limit beacon are not flashing; or]~~

(c) If the school zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the school zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

~~2. A hazard actuated zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) Children are not present.~~

~~2. Except as otherwise provided in subsection 7, a person shall not drive a motor vehicle at a speed in excess of 20 miles per hour in an area designated as a school zone for a middle school or junior high school, as those terms are defined in NRS 388.020, except:~~

~~(a) On a day on which school is not in session;~~

~~(b) In a fixed zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) The yellow lights of the operational speed limit beacon are not flashing; or~~

~~(c) In a hazard actuated zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) Children are not present.~~

~~3. Except as otherwise provided in subsection 7, a person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school zone for a high school, as that term is defined in NRS 388.020, except:~~

~~(a) On a day on which school is not in session;~~

~~(b) In a fixed zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) The yellow lights of the operational speed limit beacon are not flashing; or~~

~~(c) In a hazard actuated zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) Children are not present.~~

~~4. Except as otherwise provided in subsection 7, a} person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone, except:~~

~~(a) On a day on which school is not in session;~~

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation; ~~In a fixed zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) The yellow lights of the operational speed limit beacon are not flashing; or~~

(c) If the school crossing zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the school crossing zone is not designated by an operational speed limit beacon, during the times when the sign designating the school crossing zone indicates that the speed limit is not in effect.

3. ~~In a hazard-actuated zone, during times when:~~

~~(1) The sign designating the zone indicates that the speed limit is not in effect; or~~

~~(2) Children are not present.~~

~~5.7~~ The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a ~~the~~ speed limit of 15 miles per hour ~~[applicable pursuant to this section]~~ would be unsafe because of higher speed limits in adjoining areas.

~~4. ~~6.7~~~~ Each such governing body and the Department of Transportation shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect ~~or~~ and, where applicable, that the speed limit is in effect when children are present.

~~5. ~~7.7~~~~ With respect to each school zone and school crossing zone in a school district, ~~the superintendent of the school district or his designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone, and after consulting with the principal of the applicable school and the agency that is responsible for enforcing the speed limit in the zone, may:~~

~~(a) Decrease the speed limit in a school zone designated for a middle school or junior high school, as those terms are defined in NRS 388.020, to 15 miles per hour;~~

~~(b) Decrease the speed limit designated for a high school, as that term is defined in NRS 388.020, to 20 miles per hour;~~

~~(c) Decrease the speed limit in a school crossing zone to 20 miles per hour; or~~

~~(d) Raise the speed limit in a school crossing zone to 30 miles per hour.~~

~~8. Except as otherwise provided in this subsection,~~ the superintendent of the school district or his designee, in conjunction with the Department of

Transportation and the governing body of the local government that designated the school zone or school crossing zone, and after consulting with the principal of the *applicable* school and the agency that is responsible for enforcing the speed limit in the *school zone or school crossing zone*, shall determine ~~whether each school zone and school crossing zone is to be a fixed zone or a hazard-actuated zone, and~~ the times when the speed limit in the *school zone or school crossing zone* is in effect.

~~6. The times when the speed limit for a school zone or school crossing zone may be in effect at any one school are limited as follows:~~

~~(a) The times designated for speed limits in school zones and school crossing zones to be in effect may not, regardless of whether those zones are fixed or hazard-actuated, amount to more than 8 hours in a single day; and~~

~~(b) The times designated for speed limits in fixed zones to be in effect may not amount to more than 3 hours in a single day.~~

~~9. A person who violates any of the provisions of this section is guilty of a misdemeanor and:~~

~~(a) For exceeding the posted speed limit by 10 miles per hour or less, shall be punished:~~

~~(1) By a fine of not less than \$250 but not more than \$500; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~(b) For exceeding the posted speed limit by more than 10 miles per hour but less than 20 miles per hour, shall be punished:~~

~~(1) By a fine of not less than \$500 but not more than \$1,000; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~(c) For exceeding the posted speed limit by 20 miles per hour or more, shall be punished:~~

~~(1) By a fine of not less than \$1,000 but not more than \$2,000; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~10.] As used in this section [,"speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.] :~~

~~(a) ["Child" means a person who is] "Children" means persons who are less than 18 years of age.~~

~~(b) "Children are present" means one or more children occupying a crosswalk or road where a school zone or school crossing zone is designated, or occupying school property or a pathway, sidewalk or shoulder that provides unimpeded access to the adjacent road where a school zone or school crossing zone is designated.~~

~~(c) ["Fixed zone" means a school zone or school crossing zone where the speed limit is only in effect.]~~

~~(1) During the times when the sign designating the zone indicates that the speed limit is in effect, or~~

~~(2) When the yellow lights of an operational speed limit beacon are flashing in the manner which indicates that the speed limit is in effect.~~

~~(d) "Hazard-actuated zone" means a school zone or school crossing zone where the speed limit is only in effect during the times when the sign designating the zone indicates that the speed limit is in effect and children are present. The sign designating the speed limit may be accompanied by an operational speed limit beacon.~~

~~(e) "Operational speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit is in effect in a school zone or school crossing zone.~~

~~(d) "School" means any public school or private school but does not include a university.~~

Sec. 3. ~~[This act becomes effective on July 1, 2009.] (Deleted by amendment.)~~

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

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

Thank you, Mr. President. The amendment deletes a proposed differential speeds in school zones and school-crossing zones based on whether or not the schools are an elementary, middle or high school.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 7.

"SUMMARY—Authorizes cities to create departments of alternative sentencing. (BDR 16-257)"

"AN ACT relating to sentencing; authorizing a city to create a department of alternative sentencing; revising provisions relating to the administration of certain programs of supervision for persons with suspended sentences or persons sentenced to residential confinement; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county to create a department of alternative sentencing. (Chapter 211A of NRS) Sections 1-~~5~~ 6 of this bill authorize the governing body of a county or a city to create a department of alternative sentencing.

Existing law provides for the administration of programs of supervision for certain persons with suspended sentences and persons sentenced to residential confinement by a justice court or municipal court.

(NRS 4.372, 5.052) Section ~~6~~ 7 of this bill ~~requires~~ *authorizes* the chief of the department of alternative sentencing of a city located within the county in which a justice court is located to administer the program of supervision for persons with sentences suspended by the justice court and persons sentenced to residential confinement by the justice court if the county does not have a department of alternative sentencing and such a department exists within any city located within that county. Section ~~7~~ 8 of this bill requires the chief of the department of alternative sentencing of the city in which a municipal court is located to administer the program of supervision for persons with sentences suspended by the municipal court and persons sentenced to residential confinement by the municipal court if the city has a department of alternative sentencing. Further, section ~~7~~ 8 requires the chief of the department of alternative sentencing of the county in which a municipal court is located to administer the program of supervision for persons with sentences suspended by the municipal court and persons sentenced to residential confinement by the municipal court if the city in which the municipal court is located does not have a department of alternative sentencing and such a department exists within the county.

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

Section 1. Chapter 211A of NRS is hereby amended by adding thereto a new section to read as follows:

"Governing body" means the governing body of a county or a city.

Sec. 2. NRS 211A.010 is hereby amended to read as follows:

211A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 211A.020 to 211A.070, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 211A.080 is hereby amended to read as follows:

211A.080 The ~~board~~ *governing body* of each county *or city* may create a department of alternative sentencing to provide a program of supervision for probationers.

Sec. 4. NRS 211A.100 is hereby amended to read as follows:

211A.100 The chief:

1. Must be appointed by the action of a majority of the ~~board~~ *governing body*.

2. Must have at least 5 years of experience, with an increasing level of responsibility, in the field of law enforcement, corrections or supervision of persons on probation or parole.

3. Is in the unclassified service of the county.

Sec. 5. NRS 211A.110 is hereby amended to read as follows:

211A.110 The chief shall:

1. Hire assistant alternative sentencing officers and other employees as necessary to carry out the responsibilities of the department within the limitations of appropriations to the department by the ~~board~~ *governing body*.

2. Direct the work of all assistants and employees.
3. Be responsible for the fiscal affairs of the department.
4. Be responsible for the completion of any report regarding an investigation or the supervision of a probationer and any report requested by the court or the ~~board~~ governing body.
5. After reviewing and considering recognized correctional programs and courses for training correctional staff, develop and provide to assistants and other employees training in methods and policies regarding the investigation and supervision of probationers, the recordkeeping of the department and the reporting on matters relating to probationers.
6. Submit a written report, on or before January 31 of each year, to the ~~board~~ governing body and to each court having jurisdiction over a probationer under his supervision, setting forth in detail the activities of the department during the previous calendar year. The report must include statistical data concerning the department's activities and operations and the probationers who were under the supervision of the department during that period.

7. Advise the court of any probationer who has violated the terms or conditions of his suspended sentence or residential confinement.

Sec. 6. NRS 211A.130 is hereby amended to read as follows:

211A.130 1. The ~~board~~ governing body shall adopt a schedule of fees to be imposed on probationers to defray the cost of the supervision of a probationer. The schedule adopted must provide for a monthly fee of not less than \$20 for the supervision of a probationer.

2. Except as otherwise provided in subsection 3:

(a) The department shall charge each probationer the fee set forth in the schedule adopted pursuant to subsection 1.

(b) Payment of the required fee by the probationer is a condition of his suspended sentence or residential confinement.

3. If the chief determines that payment of the fee would result in economic hardship to a probationer, the chief may waive the imposition of, or reduce the amount of, the fee. If the chief waives the imposition of the fee, payment of the fee by the probationer does not constitute a condition of his suspended sentence or residential confinement.

Sec. 7. NRS 4.372 is hereby amended to read as follows:

4.372 1. If the county in which a justice court is situated ~~does not have~~ has a department of alternative sentencing, the ~~justice court may contract with a qualified person to~~ chief of that department shall administer a program of supervision for persons whose sentences have been suspended pursuant to NRS 4.373 or who are sentenced to a term of residential confinement pursuant to NRS 4.3762.

2. If the county in which the justice court is situated ~~has~~ does not have a department of alternative sentencing ~~and~~:

(a) Any city located within the county in which the justice court is situated has a department of alternative sentencing ~~and~~:

(1) The chief of ~~that~~ the department ~~shall~~ of alternative sentencing of such a city may administer the program of supervision ~~it~~; or

(2) If the chief of the department of alternative sentencing of such a city does not wish to administer the program of supervision, the justice court may contract with a qualified person to administer the program of supervision.

(b) No city located within the county in which the justice court is situated has a department of alternative sentencing, the justice court may contract with a qualified person to administer the program of supervision.

Sec. 8. NRS 5.052 is hereby amended to read as follows:

5.052 1. If the ~~county~~ city in which a municipal court is situated ~~does not have~~ has a department of alternative sentencing, the ~~municipal court may contract with a qualified person to~~ chief of that department shall administer a program of supervision for persons whose sentences have been suspended pursuant to NRS 5.055 or who are sentenced to a term of residential confinement pursuant to NRS 5.076.

2. If the ~~county~~ city in which the municipal court is situated ~~has~~ does not have a department of alternative sentencing ~~it~~ and:

(a) The county in which the municipal court is situated has a department of alternative sentencing, the chief of ~~that~~ the department of alternative sentencing of the county shall administer the program of supervision.

(b) The county in which the municipal court is situated does not have a department of alternative sentencing, the municipal court may contract with a qualified person to administer the program of supervision.

Sec. 9. NRS 211A.030 is hereby repealed.

TEXT OF REPEALED SECTION

211A.030 "Board" defined. "Board" means a board of county commissioners.

Senator Care moved the adoption of the amendment.

Remarks by Senators Care and Carlton.

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

SENATOR CARE:

Thank you, Mr. President. The amendment addresses section 7, subsection 2, of the bill on behalf of the City of Henderson. They decided, during the testimony on the bill, that they wanted the discretion to setup a program like this in cities, in counties, that do not have it for misdemeanors only. Secondly, if a county or city elects not to do this, after being authorized to do it, it may contract for a qualified person to administer that program's supervision.

SENATOR CARLTON:

Thank you, Mr. President. My question goes to the amendment. I see this language "may" as that a city does not have to administer, and it does not say if they cannot afford it, or they do not have the personnel; just, that they choose not to do it. Then, they can subcontract out to a private entity. I am not sure what a qualified person is as far as administering one of these programs. I realize this language is repeated at the bottom and was encompassed in the bill, but I will ask the question today since the language is in the amendment so that if there is not an answer I can get an answer later.

SENATOR CARE:

Thank you, Mr. President. Regarding the first part of the question, the City of Henderson requested the bill wanting authorization to do this, and the bill came out as a "shall." Frankly, Henderson is not yet ready to do this and asked that the language in the amendment be changed to "may." As to the second part of your question, I have the notes here from the city's attorney's office. There really was not any discussion as to whom "a qualified person" would be, but it would have to obviously be approved by the Justice Court System in a particular jurisdiction.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 65.

"SUMMARY—Revises provisions governing membership on the Western Regional Water Commission and the Northern Nevada Water Planning Commission. (BDR S-240)"

"AN ACT relating to water; revising the membership of the Western Regional Water Commission to allow for the inclusion of the Mayor of the City of Sparks; revising the membership of the Northern Nevada Water Planning Commission to include a representative *appointed by the governing body* of the Indian reservation which is the largest in area and contiguous to the planning area of the Western Regional Water Commission and to include a member *appointed by the Board of Directors* of the Washoe County Water Conservation District; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Senate Bill No. 487 of the 2007 Legislative Session, otherwise known as the Western Regional Water Commission Act, created the Western Regional Water Commission and reconstituted the Northern Nevada Water Planning Commission. (Chapter 531, Statutes of Nevada 2007, p. 3285)

The Act requires two members of the City Council of the City of Reno and two members of the City Council of the City of Sparks to be on the Board of the Western Regional Water Commission. (Section 25, chapter 531, Statutes of Nevada 2007, p. 3290) The charter of the City of Reno specifies that the Mayor of the City of Reno is a member of the City Council of the City of Reno. (Sec. 3.010, chapter 662, Statutes of Nevada 1971, p. 1973) Under the charter of the City of Sparks, the Mayor of the City of Sparks is not a member of the City Council of the City of Sparks. (Sec. 3.010, chapter 470, Statutes of Nevada 1975, p. 732) Accordingly, under the Act, the Mayor of the City of Reno may be a member of the Commission, but not the Mayor of the City of Sparks. Section 1 of this bill provides that, for the purposes of appointing a member of the City Council of the City of Sparks to the membership of the Commission, the Mayor of the City of Sparks shall be deemed to be a member of the City Council of the City of Sparks.

The Act sets forth the membership for the Northern Nevada Water Planning Commission to include a representative appointed by the governing body of the Indian reservation with the largest area in the planning area of the Western Regional Water Commission or, in the absence of such an Indian reservation, a member to represent the general public. The Act also requires a representative *appointed by the Board of Supervisors* of the Washoe Storey Conservation District to sit on the Commission. (Section 36, chapter 531, Statutes of Nevada 2007, pp. 3293-94) Section 2 of this bill revises the membership of the Commission to include, instead, a representative appointed by the governing body of the Indian reservation which is the largest in area and contiguous to the planning area, and a representative ~~from~~ *appointed by the Board of Directors* of the Washoe County Water Conservation District.

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

Section 1. Section 25 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, at page 3290, is hereby amended to read as follows:

Sec. 25. 1. The Regional Water Commission must be directed and governed by a Board of Trustees composed of the following nine members appointed pursuant to this section:

- (a) Two members of the City Council of the City of Reno;
- (b) Two members of the City Council of the City of Sparks;
- (c) Two members of the Board of County Commissioners of Washoe County;
- (d) One member representing the Truckee Meadows Water Reclamation Facility or its successor;
- (e) One member designated by the Board of Trustees of the South Truckee Meadows General Improvement District or its successor; and
- (f) One member of the Board of Trustees of the Sun Valley General Improvement District or its successor.

2. The City Council of the City of Reno, the City Council of the City of Sparks and the Board of County Commissioners of Washoe County shall each appoint one trustee from their membership for an initial term of 2 years.

3. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

- (a) One trustee who is a member of the City Council of the City of Reno;
- (b) One trustee who is a member of the City Council of the City of Sparks; and
- (c) One trustee who is a member of the Board of County Commissioners of Washoe County.

↪ The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to subsection 2.

4. The Board of Trustees of the Sun Valley General Improvement District or its successor and the Board of Trustees of the South Truckee Meadows General Improvement District or its successor shall each appoint one trustee from its membership for an initial term of 3 years.

5. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

6. After the initial terms, each trustee who is appointed to the Board serves for a term of 2 years. A trustee may be reappointed.

7. All trustees must be elected officials. No trustee may serve beyond his term of office.

8. The position of a trustee must be considered vacated upon his loss of any of the qualifications required for his appointment, and in such event, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

9. *For the purposes of this section, the Mayor of the City of Sparks shall be deemed to be a member of the City Council of the City of Sparks.*

Sec. 2. Section 36 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, at page 3293, is hereby amended to read as follows:

Sec. 36. 1. The Northern Nevada Water Planning Commission is hereby created in the planning area. The Water Planning Commission must consist of the following voting members who are residents of Nevada:

(a) The Director of Public Works for the City of Reno, or his designee;

(b) The Director of Public Works for the City of Sparks, or his designee;

(c) The Director of Water Resources for Washoe County, or his designee;

(d) A member of the South Truckee Meadows General Improvement District or its successor;

(e) The General Manager of the Sun Valley General Improvement District or its successor, or his designee;

(f) The General Manager of the Truckee Meadows Water Authority or its successor, or his designee;

(g) The General Manager of the Truckee Meadows Wastewater Reclamation Facility or its successor, or his designee;

(h) One member appointed by the governing body of the Indian reservation which is the largest in area ~~in~~ *and contiguous to* the planning area ; ~~if the planning area contains an Indian reservation, or, if there is not an Indian reservation located within the planning area or~~

~~the governing body of the reservation does not appoint a member, one member appointed by the Board to represent the public at large;~~

(i) One member of the public at large appointed by the Board to represent environmental, biological, conservation or public concerns;

(j) One member appointed by the Board to represent owners of domestic wells;

(k) One member appointed by the Board of ~~[Supervisors]~~ Directors of the Washoe ~~[Storey]~~ County Water Conservation District or its successor; and

(l) Such additional members with expertise in any area that the Board determines is necessary, appointed by the Board.

➤ The terms of the ex officio members described in paragraphs (a) to (g), inclusive, are concurrent with the employment of those members in the respective positions specified in those paragraphs. The members appointed pursuant to paragraphs (h) to (l), inclusive, serve initial terms of 2 years.

2. After the initial terms, the term of office of each member appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 is 3 years. A member may be reappointed. A vacancy must be filled for the unexpired term by the appointing entity.

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

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

Thank you, Mr. President. This is a minor, technical change for clarification.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 20.

"SUMMARY—Creates statutory subcommittees of the Advisory Commission on the Administration of Justice. (BDR 14-626)"

"AN ACT relating to the criminal justice system; creating statutory subcommittees of the Advisory Commission on the Administration of Justice; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 2 of this bill creates in statute the Subcommittee on Juvenile Justice of the Advisory Commission on the Administration of Justice. Section 2 also: (1) requires the Chairman of the Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues related to juvenile justice and report to the Commission with recommendations to address such issues; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Section 3 of this bill creates in statute a Subcommittee on Victims of Crime of the Advisory Commission on the Administration of Justice. Section 3 also: (1) requires the Chairman of the Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues related to victims of crime and report to the Commission with recommendations to address such issues; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *There is hereby created the Subcommittee on Juvenile Justice of the Commission.*

2. *The Chairman of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chairman of the Subcommittee. The Chairman of the Subcommittee must be a member of the Commission.*

3. *The Subcommittee shall meet at the times and places specified by a call of the Chairman. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.*

4. *The Subcommittee shall consider issues related to juvenile justice and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.*

5. *Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.*

6. *While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

Sec. 3. 1. *There is hereby created the Subcommittee on Victims of Crime of the Commission.*

2. *The Chairman of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chairman of the Subcommittee. The Chairman of the Subcommittee must be a member of the Commission.*

3. *The Subcommittee shall meet at the times and places specified by a call of the Chairman. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.*

4. *The Subcommittee shall consider issues related to victims of crime and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.*

5. *Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.*

6. *While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

Sec. 4. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, *and sections 2 and 3 of this act*, "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 5. This act becomes effective on July 1, 2009.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

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

Thank you, Mr. President. The amendment simply requires that the chairs of the two subcommittees, codified by this bill, be members of the Advisory Commission on the Administration of Justice.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Energy, Infrastructure and Transportation:

Amendment No. 6.

"SUMMARY—Makes various changes relating to systems for obtaining and using solar energy and other renewable energy resources. (BDR 58-380)"

"AN ACT relating to energy; requiring the Director of the Office of Energy to make certain determinations relating to systems for obtaining solar ~~and wind~~ energy; prohibiting certain restrictions on the use of systems for obtaining solar ~~for wind~~ energy; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law sets forth a prohibition against covenants, restrictions or conditions contained in deeds, contracts or other legal documents which prohibit or unreasonably restrict an owner of property from using a system for obtaining solar or wind energy on his property. (NRS 111.239, 278.0208) Sections 2 and 3 of this bill include within the prohibition any such covenant, restriction or condition which has the effect of prohibiting or unreasonably restricting the property owner from using such a system. Sections 2 and 3 also describe an unreasonable restriction on the use of a system for obtaining solar energy as including: (1) the placing of a restriction or requirement that

decreases the efficiency or performance of a system for obtaining solar ~~for~~ ~~wind~~ energy by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy; and (2) the prohibition of a system for obtaining solar energy that uses ~~(water tanks or other)~~ components painted with black solar glazing.

Section 1 of this bill requires the Director, if requested to make a determination concerning the efficiency or performance of a system for obtaining solar ~~for wind~~ energy pursuant to section 2 or 3, to make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, section 1 authorizes the Director to request that information from the person requesting the determination and requires the Director to make the determination within 15 days after receiving the additional information.

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

Section 1. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources.
2. Utilize all available public and private means to provide information to the public about problems relating to energy and to explain how conservation of energy and its sources may be accomplished.
3. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:
 - (a) The level of demand for energy in the State for 5-, 10- and 20-year periods;
 - (b) The amount of energy available to meet each level of demand;
 - (c) The probable implications of the forecast on the demand and supply of energy; and
 - (d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.
4. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.
5. Encourage the development of:
 - (a) Any sources of renewable energy and any other energy projects which will benefit the State; and
 - (b) Any measures which conserve or reduce the demand for energy or which result in more efficient use of energy.
6. In conjunction with the Desert Research Institute, review policies relating to the research and development of the State's geothermal resources and make recommendations to the appropriate state and federal agencies for establishing methods of developing the geothermal resources within the State.

7. Solicit and serve as the point of contact for grants and other money from the Federal Government and other sources to promote:

- (a) Energy projects that enhance the economic development of the State;
- (b) The use of renewable energy; and
- (c) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

8. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Task Force, the Consumer's Advocate and the Public Utilities Commission of Nevada and other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

9. *If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, he may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.*

10. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 2. NRS 111.239 is hereby amended to read as follows:

111.239 1. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property ~~that~~ and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

2. For the purposes of this section, ~~["unreasonably restricts the use of a system for obtaining solar or wind energy" means]~~ the following shall be deemed to be unreasonable restrictions:

(a) The placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(b) The placing of a restriction or requirement on the use of ~~such~~ a system for obtaining solar ~~for wind~~ energy which ~~significantly~~ decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

~~(b)~~ (c) The prohibition of a system for obtaining solar energy that uses ~~water tanks or other~~ components painted with black solar glazing.

Sec. 3. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts *or has the effect of prohibiting or unreasonably restricting* the owner of real property from using a system for obtaining solar or wind energy on his property.

2. Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property ~~that~~ *and which* prohibits or unreasonably restricts *or has the effect of prohibiting or unreasonably restricting* the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

3. For the purposes of this section, ~~["unreasonably restricting the use of a system for obtaining solar or wind energy" means]~~ *the following shall be deemed to be unreasonable restrictions:*

(a) The placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(b) The placing of a restriction or requirement on the use of ~~such~~ a system for obtaining solar ~~for wind~~ energy which ~~significantly~~ decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

~~*(c) The prohibition of a system for obtaining solar energy that uses water tanks or other*~~ *components painted with black solar glazing.*

Sec. 4. *This bill becomes effective upon passage and approval.*

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

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

This amendment addresses the restriction of the use of the system for obtaining wind energy within the context of the amount used for a homeowners association.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Energy, Infrastructure and Transportation:

Amendment No. 85.

"SUMMARY—Establishes provisions governing broadcasters during emergencies. (BDR 36-960)"

"AN ACT relating to emergencies; requiring broadcasters in this State to develop plans for preparing for and responding to emergencies and disasters; authorizing the ~~Nevada Broadcasters Association to establish a program~~ establishment of programs for the training and certification of first response broadcasters in restoring, repairing and resupplying facilities and equipment during an emergency or disaster; providing that broadcasters and first response broadcasters must be given certain priority for equipment and supplies during an emergency or disaster; providing that certain equipment and supplies of a broadcaster or first response broadcaster must not be confiscated during an emergency or disaster; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Chapter 414 of NRS authorizes the Governor to prepare a comprehensive state emergency management plan and authorizes political subdivisions of this State to establish local organizations for emergency management in accordance with the state emergency management plan. (NRS 414.060, 414.090) Section 4 of this bill requires broadcasters in this State to work in cooperation with the Division of Emergency Management of the Department of Public Safety and the Nevada Broadcasters Association to develop comprehensive, coordinated plans for preparing for and responding appropriately to an emergency or disaster.

Section 5 of this bill authorizes the Nevada Broadcasters Association or its successor organization, the Nevada State Cable Telecommunications Association or its successor organization, any member of the Nevada State Cable Telecommunications Association or its successor organization and any other provider of emergency broadcasts, including, without limitation, a provider who uses emerging technologies, to establish a program for training and certifying first response broadcasters who, with certain restrictions, must be given access to an area affected by an emergency or disaster for the purpose of restoring, repairing or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce and transmit essential emergency- or disaster-related public information programming. Each program established pursuant to section 5 must be consistent with federal law and guidelines.

Existing law provides the Governor with broad authority to seize materials and facilities for emergency management without regard to the limitations of any existing law. (NRS 414.070) Sections 7 and 9 of this bill provide that this grant of authority to the Governor and the authority granted to the executive heads or governing bodies of the political subdivisions of this State must not be construed to allow the confiscation of equipment, supplies or facilities of a broadcaster or first response broadcaster if the equipment, supplies or facilities will be used to enable the broadcast of essential emergency- or disaster-related public information programming in an area affected by an emergency or disaster. Section 6 of this bill provides that, to the extent practicable and consistent with not endangering public safety,

broadcasters and first response broadcasters must be given priority for the distribution of fuel, food, water and any other equipment, supplies or facilities over all persons other than persons who provide essential emergency services, health care and utility restoration services.

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *"Broadcaster" has the meaning ascribed to it in NRS 432.310.*

Sec. 3. *"First response broadcaster" means a person who has been certified as a first response broadcaster pursuant to section 5 of this act.*

Sec. 4. *Broadcasters in this State shall, in cooperation with the Division of Emergency Management of the Department of Public Safety and the Nevada Broadcasters Association or its successor organization, develop comprehensive, coordinated plans for preparing for and responding appropriately to an emergency or disaster.*

Sec. 5. 1. *The Nevada Broadcasters Association or its successor organization, the Nevada State Cable Telecommunications Association or its successor organization, any member of the Nevada State Cable Telecommunications Association or its successor organization and any other provider of emergency broadcasts, including, without limitation, a provider who uses emerging technologies, may establish a program for training and certifying broadcast engineers and technical personnel as first response broadcasters. ~~The~~ Each program established pursuant to this subsection must:*

(a) Be consistent with federal law and guidelines;

(b) Provide training and education concerning restoring, repairing and resupplying any facilities and equipment of a broadcaster in an area affected by an emergency or disaster; and

(c) Provide training and education concerning the personal safety of a first response broadcaster in an area affected by an emergency or disaster.

2. *To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, state and local governmental agencies shall allow a first response broadcaster access to an area affected by an emergency or disaster for the purpose of restoring, repairing or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce and transmit essential emergency- or disaster-related public information programming, including, without limitation, repairing and maintaining transmitters and transporting fuel for generators.*

Sec. 6. *To the extent practicable and consistent with not endangering public safety, during an emergency or disaster, a broadcaster or first response broadcaster in an area affected by the emergency or disaster must be given priority for the distribution of fuel, food, water and any other equipment, supplies or facilities over all persons other than persons who*

provide essential emergency services, health care and utility restoration services.

Sec. 7. *To the extent practicable and consistent with not endangering public safety, the emergency powers conferred upon the Governor and upon the executive heads or governing bodies of the political subdivisions of this State must not be construed to allow the confiscation of vehicles, fuel, food, water or any other equipment, supplies or facilities from a broadcaster or first response broadcaster if the broadcaster or first response broadcaster adequately documents that the equipment, supplies or facilities will be used to enable the broadcast of essential emergency- or disaster-related public information programming in an area affected by an emergency or disaster.*

Sec. 8. NRS 414.030 is hereby amended to read as follows:

414.030 As used in this chapter, the words and terms defined in NRS 414.031 to 414.038, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 414.070 is hereby amended to read as follows:

414.070 The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster. During the period when a state of emergency or declaration of disaster exists or continues, the Governor may exercise the following additional powers:

1. To enforce all laws and regulations relating to emergency management and to assume direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State.

2. To sell, lend, lease, give, transfer or deliver materials or perform services for the purpose of emergency management on such terms and conditions as the Governor prescribes and without regard to the limitations of any existing law, and to account to the State Treasurer for any ~~fund~~ money received for such property.

3. Except as otherwise provided in NRS 414.155 ~~and~~ *and section 7 of this act*, to procure, by purchase, condemnation, seizure or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitations of

any existing law. The Governor shall make compensation for the property so seized, taken or condemned on the following basis:

(a) If property is taken for temporary use, the Governor, within 90 days after the taking, shall fix the amount of compensation to be paid therefor. If the property is returned to the owner in a damaged condition, or is not returned to the owner, the Governor shall fix within 90 days the amount of compensation to be paid for the damage or failure to return the property. If the Governor deems it advisable for the State to take title to property taken under this section, he shall forthwith cause the owner of the property to be notified thereof in writing by registered or certified mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of the notice with the Secretary of State.

(b) Within the 90-day period prescribed in paragraph (a), the Governor shall make an offer in writing to the person or persons entitled to receive it of the amount of money proposed to be paid as full compensation. If the offer is accepted, the money must be paid out of such fund, funds or other sources as are available and no further action in law or in equity may ever be maintained in connection therewith. If the offer of payment is refused, the person or persons entitled thereto have the same rights as plaintiffs in actions of eminent domain insofar as the fixing of damages and compensation is concerned, NRS 37.060, 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings must be had in conformity therewith so far as possible. The action must be commenced within 1 year after the receipt of the offer of settlement from the Governor.

4. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons.

5. Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this chapter for willful failure to obey an order or regulation adopted pursuant to this chapter. The removal must be upon charges after service upon the officer of a copy of the charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the Governor may suspend the officer for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section must be filled as provided by law.

6. To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

Sec. 10. This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

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

This adds the Nevada State Cable Telecommunications Association or its successor or any of its member organizations or any other provider of emergency broadcasts to establish a program for training and certifying first-response broadcasters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 161.

Bill read second time.

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

Amendment No. 92.

"SUMMARY—Revises provisions governing the Nevada Youth Legislative Issues Forum. (BDR 34-91)"

"AN ACT relating to education; changing the name of the Nevada Youth Legislative Issues Forum to the Nevada Youth Legislature; revising the appointment process and eligibility requirements for the members; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the Nevada Youth Legislative Issues Forum, consisting of 21 members who are enrolled in grades 9-12 in public schools or otherwise eligible for enrollment in public schools but enrolled in a homeschool or private school. (NRS 385.515, 385.525)

Section 2 of this bill: (1) changes the name of the Nevada Youth Legislative Issues Forum to the Nevada Youth Legislature; (2) changes the date for appointment of the members from June 30 to March 30; (3) changes the commencement date of members' terms from July 1 to June 1; and (4) provides an alternative method for appointing a pupil to the Nevada Youth Legislature if a Senator does not make an appointment by March 30. (NRS 385.515)

Section 3 of this bill: (1) expands the eligibility requirements to authorize a pupil to apply not only to the Senator of the senatorial district in which the pupil resides, but also to the Senator of the senatorial district in which the pupil is enrolled in a public school or ~~is~~ a private school or, if he is homeschooled, otherwise eligible to be enrolled in a public school; (2) authorizes only pupils who are enrolled in grades 10-12 in public schools or private schools or, if they are homeschooled, otherwise eligible for such enrollment in public schools to apply for appointment to the Nevada Youth Legislature; (3) prohibits a member from being appointed by a relative; and (4) clarifies that pupils who wish to be appointed or reappointed to the Nevada Youth Legislature ~~must~~ may submit ~~but~~ only one application to ~~the~~ an appropriate appointing authority ~~in~~ in a calendar year. (NRS 385.525)

Section 5 of this bill revises the eligibility requirements for the Chair of the Nevada Youth Legislature. (NRS 385.545) Section 6 of this bill: (1)

authorizes, rather than requires, the Nevada Youth Legislature to teleconference or videoconference its public hearings; and (2) requires each member of the Nevada Youth Legislature to conduct at least one meeting during his term to afford the youth of this State an opportunity to discuss issues of importance to the youth in this State. (NRS 385.555) Section 7 of this bill revises the date by which the Nevada Youth Legislature must submit to the Legislative Counsel its request for the drafting of one legislative measure. (NRS 385.565) Section 10 of this bill extends by 2 years the date by which the money appropriated to the Nevada Youth Legislature during the 2007 Legislative Session will revert to the State General Fund.

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

Section 1. NRS 385.505 is hereby amended to read as follows:

385.505 As used in NRS 385.505 to 385.575, inclusive, ~~["Forum"]~~ "Youth Legislature" means the Nevada Youth ~~Legislative Issues Forum~~ Legislature created by NRS 385.515.

Sec. 2. NRS 385.515 is hereby amended to read as follows:

385.515 1. The Nevada Youth ~~Legislative Issues Forum~~ Legislature is hereby created, consisting of 21 members.

2. Each member of the Senate shall, taking into consideration any recommendations made by a member of the Assembly, appoint a person who submits an application and meets the qualifications for appointment set forth in NRS 385.525. A member of the Assembly may submit recommendations to a member of the Senate concerning the appointment.

3. After the initial terms:

(a) ~~Appointments~~ Except as otherwise provided in subsection 4, appointments to the ~~Forum~~ Youth Legislature must be made by each member of the Senate before ~~June~~ March 30 of each year.

(b) The term of each member of the ~~Forum~~ Youth Legislature begins ~~July~~ June 1 of the year of appointment.

4. If a member of the Senate does not make an appointment to the Youth Legislature by March 30 of a year, the members of the Assembly whose assembly districts are at least partially located within the senatorial district of that member of the Senate must collaborate to appoint a person who submits an application and meets the qualifications for appointment set forth in NRS 385.525.

5. Each member of the ~~Forum~~ Youth Legislature serves a term of 1 year and may be reappointed if the member continues to meet the qualifications for appointment set forth in NRS 385.525.

Sec. 3. NRS 385.525 is hereby amended to read as follows:

385.525 1. To be eligible for appointment to the ~~Forum,~~ Youth Legislature, a person : ~~must be a resident of the senatorial district of the Senator who appoints him and must be:~~

(a) ~~Enrolled~~ Must be:

(1) A resident of the senatorial district of the Senator who appoints him;

(2) *Enrolled in a public school or private school located in the senatorial district of the Senator who appoints him; or*

(3) ~~Exempt from compulsory attendance pursuant to NRS 392.070 but~~ *A homeschooled child who is otherwise eligible to be enrolled in a public school in the senatorial district of the Senator who appoints him;*

(b) *Must be enrolled in a public school or private school in this State in grade [9,] 10, 11 or 12 for the school year in which he serves [,] for*

~~Exempt] or be exempt from compulsory attendance pursuant to NRS 392.070 [,] but~~ *a homeschooled child who is otherwise eligible to enroll in a public school in this State in grade [9,] 10, 11 or 12 for the school year in which he serves [,]; and*

(c) *Must not be related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Senator who appoints him or to any member of the Assembly who collaborated to appoint him.*

2. A person who ~~is eligible for appointment] wishes to be appointed or reappointed to the [Forum may]~~ *Youth Legislature must submit an application on the form prescribed pursuant to subsection 3 to the Senator of the senatorial district in which the person resides [for appointment or reappointment to the Forum.] , is enrolled in a public school or private school or, if he is exempt from compulsory attendance pursuant to NRS 392.070, a homeschooled child, the senatorial district in which he is otherwise eligible to be enrolled in a public school. A person may not submit an application to more than one Senator in a calendar year.*

3. The Director of the Legislative Counsel Bureau shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is ~~exempt from compulsory attendance pursuant to NRS 392.070, a homeschooled child,~~ the signature of a member of the community in which the applicant resides other than a relative of the applicant.

Sec. 4. NRS 385.535 is hereby amended to read as follows:

385.535 1. A position on the ~~Forum]~~ *Youth Legislature becomes vacant upon:*

(a) The death or resignation of a member.

(b) The absence of a member for any reason from two ~~consecutive]~~ meetings of the ~~Forum,]~~ *Youth Legislature, unless excused by the Chairman of the [Forum.] Youth Legislature.*

(c) A change of residency *or a change of the school of enrollment* of a member which renders that member ineligible under his original appointment.

2. A vacancy on the ~~Forum]~~ *Youth Legislature must be filled for the remainder of the unexpired term in the same manner as the original appointment.*

Sec. 5. NRS 385.545 is hereby amended to read as follows:

385.545 1. The ~~Forum~~ *Youth Legislature* shall elect from among its members, to serve a term of 1 year beginning on ~~July~~ *June* 1 of each year:

(a) A Chairman, who shall conduct the meetings and oversee the formation of committees as necessary to accomplish the business of the ~~Forum~~. ~~The Chairman must be:~~

~~(1) Enrolled in a public school in this State in grade 9, 10 or 11 for the school year in which he serves; or~~

~~(2) Exempt from compulsory attendance pursuant to NRS 392.070, but otherwise eligible to enroll in a public school in this State in grade 9, 10 or 11 for the school year in which he serves.] Youth Legislature; and~~

(b) A Vice Chairman, who shall assist the Chairman and conduct the meetings of the ~~Forum~~ *Youth Legislature* if the Chairman is absent or otherwise unable to perform his duties.

2. The Director of the Legislative Counsel Bureau:

(a) Shall provide meeting rooms and teleconference and videoconference facilities for the ~~Forum~~ *Youth Legislature*.

(b) Shall, in the event of a vacancy on the ~~Forum~~ *Youth Legislature*, notify the appropriate appointing authority of such vacancy.

(c) May accept gifts, grants and donations from any source for the support of the ~~Forum~~ *Youth Legislature* in carrying out the provisions of NRS 385.505 to 385.575, inclusive.

Sec. 6. NRS 385.555 is hereby amended to read as follows:

385.555 1. The ~~Forum~~ *Youth Legislature* shall:

(a) Hold at least two public hearings in this State each school year.

~~Simultaneously~~ *The Youth Legislature may simultaneously* teleconference or videoconference each public hearing to two or more prominent locations throughout this State.

~~(b)~~ *(b) Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:*

- (1) Education;
- (2) Employment opportunities;
- (3) Participation of youth in state and local government;
- (4) A safe learning environment;
- (5) The prevention of substance abuse;
- (6) Emotional and physical well-being;
- (7) Foster care; and
- (8) Access to state and local services.

~~(c)~~ *(c) Conduct a public awareness campaign to raise awareness about the ~~Forum~~ Youth Legislature and to enhance outreach to the youth in this State.*

2. *During his term, each member of the Youth Legislature shall conduct at least one meeting to afford the youth of this State an opportunity to discuss issues of importance to the youth in this State.*

3. The ~~Forum~~ *Youth Legislature* may, within the limits of available money:

(a) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the ~~{Forum}~~ *Youth Legislature* and to advise the Legislature on proposed legislation relating to the youth in this State.

(b) Form committees, which may meet as often as necessary to assist with the business of the ~~{Forum}~~ *Youth Legislature*.

(c) Conduct periodic seminars for its members regarding leadership, government and the legislative process.

(d) Employ a person to provide administrative support for the ~~{Forum}~~ *Youth Legislature* or pay the costs incurred by one or more volunteers to provide any required administrative support.

~~{3.—The Forum}~~

4. *Except as otherwise provided in this subsection, the Youth Legislature and its committees shall comply with the provisions of chapter 241 of NRS.*

~~{4.}~~ *Any activities of the Youth Legislature which are conducted solely for purposes of training, including, without limitation, any orientation programs conducted for the Youth Legislature, are not subject to the provisions of chapter 241 of NRS.*

5. On or before ~~{June}~~ *May 30* of each year, the ~~{Forum}~~ *Youth Legislature* shall submit a written report to the Director of the Legislative Counsel Bureau and to the Governor describing the activities of the ~~{Forum}~~ *Youth Legislature* during the immediately preceding school year and any recommendations for legislation. The Director shall transmit the written report to the Legislative Committee on Education and to the next regular session of the Legislature.

Sec. 7. NRS 385.565 is hereby amended to read as follows:

385.565 The ~~{Forum}~~ *Youth Legislature* may:

1. Request the drafting of not more than one legislative measure which relates to matters within the scope of the ~~{Forum}~~ *Youth Legislature*. A request must be submitted to the Legislative Counsel on or before ~~{July}~~ *December 1* preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

2. Adopt procedures to conduct meetings of the ~~{Forum}~~ *Youth Legislature* and any committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the ~~{Forum}~~ *Youth Legislature* who are present and voting.

3. Advise the Director of the Legislative Counsel Bureau regarding the administration of any appropriations, gifts, grants or donations received for the support of the ~~{Forum}~~ *Youth Legislature*.

Sec. 8. NRS 385.575 is hereby amended to read as follows:

385.575 The members of the ~~{Forum}~~ *Youth Legislature* serve without compensation. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the members of the ~~{Forum}~~ *Youth Legislature* may receive the per diem allowance and travel

expenses provided for state officers and employees generally for attending a meeting of the ~~Forum~~ *Youth Legislature* or a seminar conducted by the ~~Forum~~ *Youth Legislature*.

Sec. 9. NRS 400.035 is hereby amended to read as follows:

400.035 1. The Council shall meet at least once each calendar quarter and as frequently as necessary to afford the general public, representatives of governmental agencies and representatives of organizations an opportunity to present information and recommendations relating to the coordination between elementary, secondary and postsecondary education, including, without limitation, the Nevada Youth ~~Legislative Issues Forum~~ *Legislature* created by NRS 385.515 and the Advisory Council on Parental Involvement established by NRS 385.610.

2. The Council shall comply with the provisions of chapter 241 of NRS.

3. For each day or portion of a day during which the members of the Council attend a meeting of the Council or are otherwise engaged in the business of the Council:

(a) The members who are Legislators are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207, payable from the Legislative Fund.

(b) The members who are appointed by the Majority Leader of the Senate, the Speaker of the Assembly, the Minority Leader of the Senate and the Minority Leader of the Assembly who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable from the Legislative Fund.

(c) The members who are appointed by the Governor are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, payable as other claims against the State are paid.

4. The Office of the Governor shall provide:

- (a) Administrative support;
- (b) Equipment; and
- (c) Office space,

↪ as is necessary for the Council to carry out its duties.

5. The Board of Regents of the University of Nevada and the Department shall provide technical assistance to the Council upon the request of the Chairman.

Sec. 10. Section 8 of chapter 345, Statutes of Nevada 2007, at page 1602, is hereby amended to read as follows:

Sec. 8. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act the sum of \$35,000 to fund the Nevada Youth Legislative Issues Forum

created by Senate Bill 247 of ~~{this session.}~~ *the 2007 Legislative Session.*

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~{2009.}~~ *2011*, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~{18, 2009.}~~ *16, 2011*, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~{18, 2009.}~~ *16, 2011*.

Sec. 11. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective on July 1, 2009.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

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

This bill addresses the governance of the Nevada Youth Legislative Issues Forum. The bill expands application opportunities to allow youths to apply for participation in the program based on where they live or where they go to school. The amendment adds home schools and private schools.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Energy, Infrastructure and Transportation:

Amendment No. 83.

"SUMMARY—Requires certain utilities that supply electricity in this State to include in the resource plan of the utility certain provisions relating to ~~{any future regulation of carbon emissions.}~~ *demands made on its system by its customers.* (BDR 58-381)"

"AN ACT relating to energy; requiring certain utilities that supply electricity in this State to include in the resource plan of the utility certain provisions relating to ~~{any future regulation of carbon emissions.}~~ *demands made on its system by its customers;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a utility which supplies electricity in this State and which has an annual operating revenue in this State of \$2,500,000 or more to submit a plan to the Public Utilities Commission of Nevada every third year to increase its supply of electricity or decrease the demands made on its system by its customers. The Commission is required to prescribe by

regulation the contents of the plan and must require the utility to include certain information in the plan. (NRS 704.736, 704.741) ~~[[This bill expands the information the Commission must require the utility to include in the plan by adding several requirements to address scenarios in which this State or the Federal Government enacts laws or adopts regulations to regulate carbon dioxide emissions.]] This bill requires the utility to include in its plan ~~[(1) a reasonable estimate of the most likely price of carbon emissions set forth in the base case scenario of the utility; (2) an evaluation of alternative scenarios which include a range of projections of carbon prices if future regulation of carbon intensity occurs; (3) an evaluation of]~~ a comparison of a diverse set of ~~[energy portfolios including those with energy sources with low carbon intensity; and (4) an analysis of the indirect effects which might occur from the regulation of]~~ scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity.~~

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

Section 1. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation, prescribe the contents of such a plan , including, but not limited to, the methods or formulas which are used by the utility to:

(a) Forecast the future demands; and

(b) Determine the best combination of sources of supply to meet the demands or the best method to reduce them.

3. The Commission shall require the utility to include in its plan ~~[an]~~ :

(a) ~~An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel [The energy efficiency program must include,]~~ and which includes, without limitation, the use of new solar thermal energy sources ~~[;]~~ ; and

(b) ~~A [reasonable estimate of the most likely price of carbon emissions set forth in the base case scenario of the utility;~~

~~(c) An evaluation of alternative scenarios which include, without limitation, a broad range of projections of the price of carbon emissions if future regulation of carbon intensity by the Federal Government or this State occurs;~~

~~(d) An evaluation of a diverse set of energy portfolios which contain options for energy sources with low carbon intensity; and~~

~~(e) An analysis of the indirect effects of any future regulation of carbon intensity by the Federal Government or this State which are potentially significant, including, without limitation, the effects on:~~

~~(1) Capital costs to generate electricity;~~

~~(2) The continued availability of existing federal incentives for various technologies for the generation of low carbon intensity or renewable energy;~~

~~(3) The expansion of sources for the generation or transmission of electricity throughout the region;~~

~~(4) Load growth;~~

~~(5) The market price for electricity or natural gas;~~

~~(6) The cost of obtaining an operating permit to construct and operate a source of air contaminant pursuant to NRS 445B.300 and any regulations adopted pursuant to that section; and~~

~~(7) The retirement of coal fired facilities for generating electricity.]~~
comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity.

4. As used in this section ~~±~~

~~(a) "Base case scenario" means a scenario which sets forth the present conditions and most likely future developments in resource planning by a utility;~~

~~(b) "Carbon", "carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.~~

~~± (c) "Load growth" means an increase in energy demand occurring through natural growth of a service territory or stimulation of the energy market.~~

~~(d) "Renewable energy" has the meaning ascribed to it in NRS 704.7811.]~~

Senator Schneider moved the adoption of the amendment.

Remarks by Senator Schneider.

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

Amendment No. 83 to Senate Bill No. 165 changes the specific requirements for estimating the impact of future carbon regulation on utility integrated resources, or IRP plans, to a less prescriptive more general approach to accounting for such potential carbon regulation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 214.

Bill read second time and ordered to third reading.

Senate Bill No. 341.

Bill read second time and ordered to third reading.

Senate Bill No. 342.

Bill read second time and ordered to third reading.

Senate Bill No. 344.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 46.

"SUMMARY—Proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board ~~appointed by the Governor~~ and to require the Legislature to provide for the organization and duties of the Clemency Board. (BDR C-552)"

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board ~~appointed by the Governor~~ and to require the Legislature to provide for the organization and duties of the Clemency Board. Legislative Counsel's Digest:

Under the Nevada Constitution and existing law, the State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General. (Nev. Const. Art. 5, § 14; NRS 213.010)

This joint resolution proposes to amend the Nevada Constitution to: (1) replace the State Board of Pardons Commissioners with the Clemency Board consisting of nine members appointed by the Governor, the Chief Justice of the Supreme Court and the Attorney General to carry out the duties currently carried out by the State Board of Pardons Commissioners; (2) provide that at least five members appointed to the Clemency Board must have experience working in the criminal justice system; (3) require the Legislature to provide for the organization and duties of the Clemency Board; and (4) require the Clemency Board to meet at least quarterly. (Nev. Const. Art. 5, § 14)

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 14 of Article 5 of the Nevada Constitution be amended as follows:

Sec. 14. 1. ~~["The governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one,"]~~ *There is hereby created a Clemency Board.*

2. *The Clemency Board consists of nine members, ~~appointed by the Governor,~~ at least five of whom must have experience working in the criminal justice system. The Governor, the Chief Justice of the Supreme Court and the Attorney General shall each appoint three members to the Clemency Board. The legislature shall provide by law for:*

(a) The organization of the Clemency Board, including, without limitation, the qualifications and terms of the members of the Clemency Board; and

(b) The duties of the Clemency Board and its members.

3. *The Clemency Board may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, except as provided in subsection ~~[2,]~~ 4, and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.*

~~{2-}~~ 4. Except as may be provided by law, a sentence of death or a sentence of life imprisonment without possibility of parole may not be commuted to a sentence which would allow parole.

~~{3-}~~ 5. *The Clemency Board shall meet at least quarterly.*

6. The legislature is authorized to pass laws conferring upon the district courts authority to suspend the execution of sentences, fix the conditions for, and to grant probation, and within the minimum and maximum periods authorized by law, fix the sentence to be served by the person convicted of crime in said courts.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

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

Thank you, Mr. President. The amendment removes the Governor's name and then shares the duties of appointing members to the Clemency Board between the Governor, the Chief Justice of the Supreme Court and the Attorney General.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 113 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Horsford.

Motion carried.

Senator Horsford moved that Senate Bill No. 18 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Horsford.

Motion carried.

Senator Horsford moved that Senate Bill No. 341 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Horsford.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 39; Senate Concurrent Resolutions Nos. 20, 21; Assembly Bill No. 132; Assembly Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to Diane Fulstone, David Fulstone Sr., Josh Fulstone, Jeff Fulstone, De Ann Rotchy, Kimberlee Rotchy, Ron Hughes, Barbara Hughes, Robert Gentry, Peggy Bitler, Ken Bitler, Andy Mackenzie, Karen Peterson, George Le Maitre, Pat Fietta, Bryan Masini, Sheila Masini, Larry Reynolds, Lee Reynolds and former Senator Alan Glover.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Jenny Care; former Assemblyman Jack Close.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Michael Richards, former Assemblyman Jack Close, Zelzah Potentate Tom Welsh and Kerak Potentate Arthur Cline.

On request of Senator Coffin, the privilege of the floor of the Senate Chamber for this day was extended to Linda Gentry.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Margie Foote and Gordon Foote.

On the request of Senator Horsford the privilege of the floor of the Senate Chamber for this day was extended to Ms. Marsha Irvin, Chancellor for the Andre Agassi College Preparatory Academy; Dr. Ben Siaski and Jenny Fan.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Don Ashworth.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Mayor, City of Reno, Bob Cashell.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Virgil Getto, Pat Getto and the following students, chaperones and teachers from the Gardnerville Elementary School: Jaden Allredge, Allison Ansel, Holly Brown, Wyatt Caccamise, Madison Cole, Owen Elmquist, Bailey Gansberg, Raquel Garcia, Etienne Lekumberry, Tristen Lewellen, Dyllin Lopez, Connor Mone, Sam Nanse, Omar Nava, Jonah O'Connor, Nikki Rhead, Tory Roach, Nicole Rowe, Makayla Shaver, Brianna Starkey, Alexxaz Torres, Jesus Cervantes Mendoza, Cheyenne Aarons, Breanna Barret-Jimenez, Roger Briggs, Moses Broome, Kendall Cummins, Griffin Frensdorff, Adriana Garcia-Cortes, Jenna Hammond, Wyatt Hausman, Shiann Laugheed, Sean Koerner, Sabrina Lehrke, William Lento, Alexander May, Brooke Miller, Conor Preston, Mario Romero-Gonzalez, Julia Stiltz, Nancy Valles, Jeff Van Pelt, Derek Wing, Kyle Anderson, Michael Angst-Smith, Madison Bailey, Brittany Barr, Alexander Bond, Anthony DeArcos, Shaelyn Dieter, Matthew Fejer, Jessica Flanagan, Marra Gardner, Nikki Hamada, Kenneth Hargreaves III, Edgar Hernandez, Laura Hernandez, James Hildman, Sarah Lewellen, Stephanie Long, Taylee Pickering, Whitney Sizemore, Robin Smuda, Arturo Vivas; chaperones: Tanya Miles-Orozco, Diane Hamada, Lou Castellano, Lela Ornbaum, Esteban Pinedo and Ruth Castellano; teachers: Danette Morgan, Dana Beres, Robbi Jacobsen and Roxanne Usher.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Raymond Rawson, Linda Rawson and the following students, chaperones and teachers from the 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, Emma Woods, 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, Jacob Slaughter, 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; chaperones: Staci Kirwan, Melinda Wallace, Michelle Capurro, David Saulsbury; teachers: Ms. Johnson, Mr. Saulsbury and Mrs. Sutherland.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Coe Swobe.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Don Mello, Barbara Mello, David Mello and Karinee Scafidi.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to former Senator F. W. (Bill) Farr, Frances Wedmore, Raymond Wedmore and Georgina Lucchesi.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Madison Sandoval-Lynn, Saida Brown and Champaign Standridge.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Jeff Hardcastle and David Byerman.

On request of President Krolicki, the privilege of the floor of the Senate Chamber for this day was extended to former Lieutenant Governor Lonnie Hammargren and his former Chief of Staff, J.P. Smith.

Senator Horsford moved that the Senate adjourn until Thursday, April 2, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 12:50 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate