

**THE FOURTH DAY**

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CARSON CITY (Thursday), February 10, 2011

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

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Yesterday Senator McGinness asked me for a Babe Ruth quote. Here it is: "Gee, it is lonesome in the outfield. It's hard to keep awake with nothing to do." Well, we have plenty to do here, so let's pray!

Father, we do not need to tell You that there are big problems facing our State. People are counting on us. Please give us the wisdom, understanding and stick-to-itiveness to find the solutions. And, please help us!

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 Judiciary, to which was referred Senate Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources:

Senate Joint Resolution No. 4—Urging Congress to take certain actions concerning federal public lands in Nevada.

Senator Manendo moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Joint Resolution No. 5—Expressing opposition to certain proposed actions concerning wild horse and burro herds on federal public lands in Nevada and urging Congress to take certain actions concerning those herds.

Senator Manendo moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Senate Concurrent Resolution No. 1—Expressing support for the Pine Forest Wilderness Study Area Working Group.

Senator Manendo moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Rhoads:

Senate Bill No. 139—AN ACT relating to property; requiring assignments of certain interests in property to be recorded; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Breeden, Schneider, Manendo, Parks, Denis, Copening, Horsford, Wiener and Assemblyman Segerblom, Atkinson, Munford and Smith:

Senate Bill No. 140—AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 141—AN ACT relating to property; revising various provisions governing manufactured home parks; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 142—AN ACT relating to motor vehicles; prohibiting operators of tow cars from imposing certain fees under certain circumstances; requiring the use of competitive bidding for local government contracts for towing services; authorizing an insurer to tow and store a motor vehicle upon notification to its owner that the motor vehicle has been declared a total loss; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 143—AN ACT relating to insurance; removing the requirement that a resident producer of insurance maintain a place of

business in this State which is accessible to the public; providing that a certificate of insurance issued pursuant to a contract of insurance or policy of insurance must contain certain information; revising provisions governing verification by the Department of Motor Vehicles of required insurance coverage for certain vehicles; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By the Committee on Transportation:

Senate Bill No. 144—AN ACT relating to motor vehicles; requiring a garage that performs any repairs on a motor vehicle to also check the tire pressure of the vehicle and adjust the pressure to meet the specifications of the tire manufacturer, if necessary; and providing other matters properly relating thereto.

Senator Breeden moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Senator Manendo:

Senate Bill No. 145—AN ACT relating to traffic laws; prohibiting a minor from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle, except in certain emergency situations; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 47.

Bill read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Remarks by Senators Cegavske, Wiener, Hardy and Parks.

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

SENATOR CEGAVSKE:

Thank you, Mr. President. I would like to ask why there is a fiscal note from Washoe County, but not one from Clark County, Clark County stated it was a savings for them? Is the fiscal note for Washoe County a mistake or is it the same as Clark County, which is zero?

SENATOR WIENER:

Thank you, Mr. President. To my colleague from Clark County, yes, the only fiscal note that was presented to committee was for \$200 from Washoe County. We were told during the committee meeting that note is being revised. Actually, there is a cost savings because of

postage savings and other efficiencies. This is more than revenue neutral. It will actually save money.

SENATOR HARDY:

Was there a comment in committee about random people who were chosen? Would those people be taken off the list for the next round of selection for a grand jury so that they would not get summoned twice?

SENATOR WIENER:

Thank you, Mr. President. To my colleague from the South, that was not part of the discussion. As to the next cycle of those who would be selected there was no testimony. The proponents' concern was that even when they start with 6,000 randomly selected people under current law, they often have trouble getting enough people to secure a grand jury. If they do not have enough people show up, they have to continue the selection process. This bill will allow them to expand the opportunity to bring enough people in early in the process to select the jury pool. The committee did not discuss subsequent grand jury selections.

SENATOR PARKS:

Thank you, Mr. President. In 1985, former Chief Judge of the New York Court of Appeals, Saul Wachtler, complained about the overreaching ability of district attorneys to achieve indictments before a grand jury. Justice Wachtler was quoted as saying, "Even a modestly competent district attorney can get a grand jury to indict a ham sandwich." Is there anything in Senate Bill No. 5 that would prohibit the indictment of a ham sandwich?

SENATOR WIENER:

To my colleague from Senate District No. 7, that was also not part of the committee discussion. I would not venture beyond the comments that were put on the record in committee as to what might be going on in the minds of the witnesses.

As we consider measures on the Floor, we are able, through increasingly more sophisticated technology, to create a greater transparency than has ever been seen before.

I believe it is important to read the Floor statements into the record so that people who are listening on the Internet and participating outside this building will have an understanding of what it is we are voting on. I will now read the Floor statement on Senate Bill No. 5 into the record:

Senate Bill No. 5 revises the process for selecting and seating grand juries in Clark and Washoe Counties by enlarging the pool of potential jurors to 50 or more, increasing from 12 to 14 the number of alternate jurors, and allowing flexibility in the number of proposed jurors who fail to appear before others must be summoned. The measure also requires the court, rather than the county sheriff, to summon proposed grand jurors. The measure is effective upon passage and approval.

Roll call on Senate Bill No. 5:

YEAS—21.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 2.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to the following interns: Donna Randall, Lauren Wright, Jeremy Thompson and Natalia Beltz.

Senator Horsford moved that the Senate adjourn until Monday, February 14, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:32 a.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*