

**THE THIRTY-SECOND DAY**

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CARSON CITY (Thursday), March 10, 2011

Senate called to order at 11:08 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Author Max Lucado observes: "If God had a refrigerator, your picture would be on it. If He had a wallet, your photo would be in it. He sends you flowers every spring and a sunrise every morning. Face it, friend, He is crazy about you!"

God, we do not deserve Your love, but we thank You for it. May we do all we can to spread that love. Even here. Even today.

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, Labor and Energy, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

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: Associated Press: Deb Weinstein; Daily Sparks Tribune: Dan McGee; KSNV-TV: Matt Kozar, Rick Trujillo; Progressive Now Nevada: Brian Fadie; and Vegas PBS: Cade Cridland.

## INTRODUCTION, FIRST READING AND REFERENCE

By Senators Lee, McGinness and Assemblyman Hammond:

Senate Bill No. 232—AN ACT relating to land use planning; removing certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreation Area; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Parks, Horsford; Assemblymen Ocegueda and Conklin:

Senate Bill No. 233—AN ACT relating to grants; establishing the Office of Grant Procurement, Coordination and Management in the Office of the Governor; setting forth the duties of the Director; requiring all state and local agencies to notify the Office of Grant Procurement, Coordination and Management of any grants for which the agency applies and any which they receive; prohibiting state and local agencies from establishing certain programs; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Horsford:

Senate Bill No. 234—AN ACT relating to vehicles; prohibiting a manufacturer from requiring a dealer to alter substantially an existing facility of the dealer or construct a new facility; prohibiting a manufacturer from taking adverse action against a dealer relating to the exportation of a vehicle outside the United States except under certain circumstances; providing that it is an unfair act or practice for any manufacturer to refuse the return of or reduce the price of a part, accessory or assembled component under certain circumstances; providing for the licensure of an agent of a broker; revising provisions governing the modification or replacement of a franchise; revising provisions governing warranties for certain used vehicles; revising the provision regarding the compensation owed to a dealer upon the termination or discontinuance of a franchise; revising provisions relating to unfair practices; establishing fees; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time and ordered to third reading.

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:17 a.m.

## SENATE IN SESSION

At 11:23 a.m.

President Krolicki presiding.

Quorum present.

## GENERAL FILE AND THIRD READING

Senate Bill No. 86.

Bill read third time.

Remarks by Senators Roberson, Settelmeyer and Leslie.

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

## SENATOR ROBERSON:

Senate Bill No. 86 removes mining and pipelines for the sugar beet industry from the list of uses for which eminent domain may be exercised.

I would like to thank my colleague from Washoe District No. 1 for bringing this bill before us.

James Madison understood that the protection of property is the foundation of all freedoms. He said that a man is said to have a right to his property. He may be equally said to have a property in his rights. Where an excess of power prevails, property of no sort is duly respected. No man is safe in his opinions, his person his faculties or his possessions. He also said government is instituted to protect property of every sort. This being the end of government. That alone is a just government which impartially secures to every man whatever is his own.

One other founding father, John Adams, said that the moment the idea is admitted into society that property is not as sacred as the laws of God and that there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist.

I encourage my colleagues to support Senate Bill No. 86.

## SENATOR SETTELMAYER:

Thank you, Mr. President. I would also like to thank the sponsor of the bill from Washoe District No. 1 for bringing the bill forward protecting eminent domain issues. As a landowner, I have a certain view that property should never be taken for someone else's private, fiduciary interest. I was supportive, even in our Constitution, with the PISTOL initiative when it passed.

I would like to ask the sponsor of the bill why not include the railroads to make certain that they cannot take my land as well. Why not include the utilities to make certain that they cannot take my land as well because they are also inconsistent with our Constitution. Was there any discussion about why we cannot include them all?

## SENATOR LESLIE:

Thank you, Mr. President. Thank you to my colleague from Gardnerville for the question. The issue for me is one of private corporations taking private property for their private good. You could add cemeteries, utilities and others listed in the statute to the examples that you gave of railroads. They are items of public good. They benefit all of us. The two specific areas addressed in this bill, sugar beet factories and mining companies, are not for the public good except in terms of economic development. They are for the private interest of private corporations.

It may be a good idea to debate the other issues that you raise and I encourage you to bring forth a bill to debate them. For reasons stated, that is why I chose those particular items.

I appreciate the eloquent remarks from my colleague in Clark District No. 5, for the remarks from James Madison were appropriate to this bill.

I want to remind the body that the mining industry was granted the power of eminent domain in 1875 because it was the paramount industry in our State. The sugar beet industry was given the power of eminent domain in 1907 when economic development interests wanted to promote the sugar beet industry in rural Nevada.

The purpose of this bill is to remind all of us that eminent domain should only be used for the greater good and never used for a private corporate interest of a privileged industry. These two industries have had the power of eminent domain for over 100 years in Nevada. While the sugar beet industry has been defunct for decades, the mining industry has used or threatened the use of eminent domain in a number of instances in recent years. The people in Silver City on the Comstock Lode are grappling with this issue even as we speak due to a mining operation in their community.

I believe both of these provisions are antiquated and should be repealed by the Legislature in the interests of private property rights of our citizens. I urge your support.

Roll call on Senate Bill No. 86:

YEAS—20.

NAYS—Rhoads.

Senate Bill No. 86 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126.

Bill read third time.

Remarks by Senator Gustavson.

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

Senate Bill No. 126 revises requirements for concealed firearms permits to allow a person to complete one application and obtain one permit to carry all firearms that would be carried in a concealed manner. The application must specify whether it pertains to revolvers, semi-automatics or both, and the applicant must demonstrate competence with each type of firearm. If approved, the permit would allow the permit holder to carry either or both any semi-automatic or any revolver that he is qualified under the permit to carry semi-automatic, revolver or both.

I urge your support for this bill and I thank my colleague from Gardnerville for bringing this forward.

Roll call on Senate Bill No. 126:

YEAS—21.

NAYS—None.

Senate Bill No. 126 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 157.

Bill read third time.

Roll call on Senate Bill No. 157:

YEAS—21.

NAYS—None.

Senate Bill No. 157 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 15.

Bill read third time.

Remarks by Senator Parks.

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

Thank you, Mr. President. I thank my colleague from Gardnerville for bringing this forward. Assembly Bill No. 15 repeals the requirement that the Department of Administration compile and publish a biennial report containing various information on State departments and agencies and descriptions of recent trends in the population, economy, and environment of the State. The bill also repeals the requirement that the Department compile and publish a biennial statistical abstract containing information on State and local government, data provided by the federal government, and information on business and the economy of the State. These are all documents that are published elsewhere so this repetitive exercise.

This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 15:

YEAS—21.

NAYS—None.

Assembly Bill No. 15 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127.

Bill read third time.

Remarks by Senators Parks and Lee.

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

SENATOR PARKS:

Assembly Bill No. 127 removes the requirement for the Senate and Assembly to print bill books and histories during each legislative session for Legislators, staff, the press, and the public.

SENATOR LEE:

Thank you, Mr. President. To the Chair of Legislative Operations and Elections I would like to place this on the record. The rule right now in our House is that if you have eight years in the current House you may have these bill books given to you. If you have special needs, such as a lack of computer skills, you may still receive these bill books. Each session the current Legislative body can change these rules. I would like clarification if that is how you see it. If we find next session there are people elected who do not have computer skills then can we change the rule again going back to bill books. Is that how you understand this bill?

SENATOR PARKS:

Thank you, Mr. President. To my colleague from Clark District No. 1, thank you for the question. The bill is quite simple in that it repeals Nevada Revised Statutes (NRS) 318A.420. It repeals the requirement that we assemble these bill books. It does not mean that the bills are not available. It does not mean that there are not other ways to get the information. Once, we had a legislator who was legally blind. We had to incorporate a procedure to accommodate that legislator's specific needs. This does not say that we cannot assemble the bill books; it says we do not have an obligation to do so.

SENATOR LEE:

I understand and thank you for that answer.

Roll call on Assembly Bill No. 127:

YEAS—21.

NAYS—None.

Assembly Bill No. 127 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Paul Wassgren, Candace Vandervaart, Paul Goecke and Tibi Ellis.

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

Motion carried.

Senate adjourned at 11:47 a.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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