

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 24, 2011

Senate called to order at 11:17 a.m.

President Pro Tempore Schneider presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, Thank You for bringing us together today to continue our work for the good of this State and its citizens. Thank You also for guiding the process of bill introduction in both Chambers of this Legislature.

As the bills to consider in this Seventy-sixth Session are now before us, we seek Your presence and guidance as committees work to discuss and refine the bills that have been presented to them. May they then also be prepared to guide discussion before this Chamber at the proper time.

Dear God, in a world that is unsettled in so many ways, may You not only bless and guide each one of us, but also our constituents. May we be led to make decisions that will cause our State to be one which sets an example for other states, and our Nation as a whole.

All these things we bring humbly before You trusting in Your love, grace and mercy, which You showed us through the gift of Your Son, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President Pro Tempore 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 Senate Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Judiciary.

MICHAEL A. SCHNEIDER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 293 be placed on the Secretary's desk.

Motion carried.

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

Senate in recess at 11:21 a.m.

SENATE IN SESSION

At 11:25 a.m.

President Pro Tempore Schneider presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that the action whereby Senate Bill No. 293 was referred to the Secretary's desk be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 33.

Bill read third time.

Remarks by Senator Leslie.

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

Senate Bill No. 33, in its first reprint, takes several sections of existing law dealing with the confidentiality of records and files maintained by the Department of Taxation and places those provisions into a single section within the administrative chapter of Nevada Revised Statutes (NRS) that governs the Department.

The bill does allow the Department of Taxation to provide confidential information to any federal agency upon request for use in a federal prosecution or criminal investigation.

The bill also prohibits any information regarding an appeal that is provided to the Nevada Tax Commission from being made public until after the time period allowed for a taxpayer to request a closed hearing has passed. This provision will prevent the inadvertent release of information that may subsequently be deemed confidential through a taxpayer's request for a closed hearing.

Roll call on Senate Bill No. 33:

YEAS—21.

NAYS—None.

Senate Bill No. 33 having received a constitutional majority, Mr. President Pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219.

Bill read third time.

Remarks by Senators Horsford, McGinness and Cegavske.

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

SENATOR HORSFORD:

Earlier this month, this body passed legislation aimed at accomplishing job one of this Legislative Session which is to put Nevadans back to work. It approved Senate Bill No. 192, which can be the tool to put more than 5,000 Nevada construction workers back on the job.

The legislation before you today represents another critical element in our job creation and economic development strategy. It will help identify the skills of unemployed Nevadans that can be applied to current jobs and identify gaps in skills that need to be addressed through training and education for both current jobs and the jobs we hope to create in a new Nevada economy.

In broad terms, Senate Bill No. 219 would set up a system for evaluating the skills of unemployed Nevadans to determine their fit with job opportunities in the State and whether they need additional job training to fill those jobs.

One of the things we learned in researching this legislation is that there are jobs in this State that may not be in the same geographic location as the large number of job seekers. But they can be filled by people with the right skills who are willing to relocate. Or there may be local individuals who just need some training to have the right skill set. This legislation is aimed at helping them get that.

Senate Bill No. 219 would establish a formal first-phase program of skills assessment for about 3,800 unemployed Nevadans seeking to link them with current jobs or training programs. But it also would require the State Employment Security Division, to the extent of available

resources, to provide every applicant for unemployment benefits or beginning participation in a Workforce Investment Act program to receive an assessment of their job skills.

One of the important effects of Senate Bill No. 219 is that it will allow us to create profiles of the skills of Nevadans from various sectors—construction, hospitality, healthcare, manufacturing and retail trade, to name a few.

This will tell us much about what we need to do to improve the education and job skills of Nevadans to meet the demands of the new economy we want to build in Nevada. There are some skills that can be transferred to new industries, but there are other skills that need to be developed to provide the right kind of workforce for sustained economic growth.

Another part of Senate Bill No. 219 approaches this issue in another way. It would require regional economic development agencies to conduct surveys of people who are working in their communities and match those skill sets with the needs of businesses these agencies are seeking to attract. That will be another indicator of what we need to do to build the right kind of workforce for the more diverse, sustainable economy we hope to create in this State.

This is legislation that moves us another step forward in solving our economic crisis and helps thousands of Nevadans who want to go back to work.

SENATOR MCGINNESS:

Thank you, Mr. President Pro Tempore. Senate Bill No. 219 looks like a worthwhile bill. The fiscal note says that there is an appropriation not included in the Governor's budget. Can you tell me where the funding is coming from for this bill?

SENATOR HORSFORD:

Thank you, Mr. President Pro Tempore. The appropriation in this bill is anticipated from General Fund revenues not recommended for appropriations by the Governor. There are available funds that exceed the 5 percent minimum ending reserve balance including not only the general revenues forecast by the Economic Forum but by the proposed revenue in the Governor's budget. The appropriations are not coming from any other programs and will not be diverted.

SENATOR CEGAUSKE:

Thank you, Mr. President Pro Tempore. Is there any money coming from general funds that is not appropriated in the Governor's recommended budget? Are there general funds that are coming through for this because there is no fiscal note in the book? We only have the statement.

SENATOR HORSFORD:

Thank you, Mr. President Pro Tempore. To my colleague from Washoe District No. 8, this appropriation will be from the general fund but not from funding that diverts revenue or programs as recommended in the Governor's budget.

SENATOR CEGAUSKE:

What is the dollar amount?

SENATOR HORSFORD:

Thank you, Mr. President Pro Tempore. The testimony is that there is approximately \$400,000 that will be allocated from the General Fund to the College of Southern Nevada and Truckee Meadows Community College to perform these assessments now and to report the results of those assessments before the end of this Legislative Session.

Roll call on Senate Bill No. 219:

YEAS—21.

NAYS—None.

Senate Bill No. 219 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 7.

Bill read third time.

Remarks by Senator Roberson.

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

Assembly Bill No. 7 changes from two days to five judicial days the time within which a judge, against whom an affidavit alleging bias or prejudice has been filed, must file a written answer with the clerk of the court, unless the judge immediately transfers the case or requests another judge to hear the case. This measure applies to all judges except justices of the Supreme Court.

Roll call on Assembly Bill No. 7:

YEAS—21.

NAYS—None.

Assembly Bill No. 7 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 134.

Bill read third time.

Remarks by Senators Breeden and Wiener.

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

SENATOR BREEDEN:

Assembly Bill No. 134 clarifies and revises the maximum punishment a court may impose for a crime by a person who was under 18 years old when the crime was committed. For such a person convicted of a crime otherwise punishable by death, the maximum punishment is life imprisonment without the possibility of parole. For a non-homicide crime, the maximum punishment is life imprisonment with the possibility of parole.

SENATOR WIENER:

This bill before us aligns statutorily with the ruling of the Supreme Court.

Roll call on Assembly Bill No. 134:

YEAS—21.

NAYS—None.

Assembly Bill No. 134 having received a constitutional majority, Mr. President Pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Senate Bill No. 293 be re-referred to the Committee on Commerce, Labor and Energy.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 24, 2011

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. 7.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7—Honoring Nevadans who have lost their lives in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through Operation Iraqi Freedom, Operation Enduring Freedom and Operation New Dawn, 5,922 Americans have lost their lives, including 53 Nevadans; and

WHEREAS, The service of these men and women required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That we honor every American who served and extend our heartfelt condolences to the Nevada friends and family members of those who made the ultimate sacrifice; and be it further

RESOLVED, That we continue to honor those recognized in previous legislative sessions: Marine Lance Corporal Nicholas H. Anderson, Las Vegas; Army Staff Sergeant Corey R. Barnes, Sparks; Army Sergeant Kenneth E. Bostic, Hawthorne; Marine Lance Corporal Raul S. Bravo, Elko; Army Captain Joshua T. Byers, Sparks; Marine Second Lieutenant James J. Cathey, Reno; Marine Lance Corporal Donald J. Cline Jr., Sparks; Army National Guard Specialist Anthony S. Cometa, Las Vegas; Army Corporal Matthew A. Commons, Boulder City; Army Private First Class David N. Crombie, Winnemucca; Army Sergeant Ezra Dawson, Las Vegas; Army Specialist Jason A. Disney, Fallon; Army Sergeant David J. Drakulich, Reno; Army National Guard Chief Warrant Officer 3 John M. Flynn, Sparks; Army Staff Sergeant Sean M. Gaul, Reno; Army Sergeant John C. Griffith, Las Vegas; Army Specialist Daniel F. Guastafarro, Las Vegas; Marine Corporal Jesse Jaime, Henderson; Army Sergeant Robert P. Kassin, Las Vegas; Marine First Lieutenant Nathan M. Krissoff, Reno; Army Corporal Stanley J. Lapinski, Las Vegas; Army Corporal Shawn T. Lasswell Jr., Reno; Army Staff Sergeant Emmanuel L. Legaspi, Las Vegas; Marine Lance Corporal Jeremy Z. Long, Sun Valley; Marine Private First Class John Lukac, Las Vegas; Army Corporal Joseph L. Martinez, Las Vegas; Army Sergeant Gordon F. Misner II, Sparks; Army Specialist Joshua S. Modgling, Las Vegas; Army Private Second Class Joshua M. Morberg, Sparks; Army Sergeant Eric W. Morris, Sparks; Army Sergeant Alfred G. Paredez Jr., Las Vegas; Navy Petty Officer Second Class Eric S. Patton, Boulder City; Marine Reserve Lance Corporal Richard A. Perez Jr., Las Vegas; Marine First Lieutenant Frederick E. Pokorney Jr., Tonopah; Army Specialist Ignacio Ramirez, Henderson; Army Chief Warrant Officer 2 Joshua R. Rodgers, Carson City; Army Reserve First Sergeant Carlos N. Saenz, Las Vegas; Marine Corporal William I. Salazar, Las Vegas; Army Sergeant Anthony J. Schober, Gardnerville; Army Reserve Staff Sergeant Coby G. Schwab, Henderson; Army Private First Class Thomas C. Siekert, Lovelock; Army National Guard Sergeant Patrick D. Stewart, Fernley; Army Reserve Specialist Teodoro Torres, Las Vegas; Army Staff Sergeant Michael L. Townes, Las Vegas; Army Private First Class Alejandro R. Varela, Fernley; Army Specialist Travis M. Virgadamo, Las Vegas; and Army Private First Class Phillip B. Williams, Gardnerville; and be it further

RESOLVED, That we pause today to reflect on the supreme sacrifice of the six Nevadans who have given their lives since the 75th Legislative Session: Army Sergeant Matthew R. Hennigan, Las Vegas; Army Sergeant Josue E. Hernandez Chavez, Reno; Army Specialist Thomas F. Lyons, Fernley; Army Specialist Brian Tabada, Las Vegas; Army Private First Class Kevin C. Thomson, Reno; and Marine Sergeant Frank R. Zaehring III, Reno; and be it further

RESOLVED, That the members of the 76th Session of the Nevada Legislature honor these brave Nevadans who made the ultimate sacrifice through their service, dedication and commitment to this country and their fellow man; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit six copies of this resolution to Caleb S. Cage, Executive Director of the Office of Veterans' Services, for transmittal to the family of each of those being honored

Senator McGinness moved the adoption of the resolution.

Remarks by Senator McGinness.

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

Almost 10 years ago, the entire world was electrified and dismayed when planes struck the World Trade Center and the Pentagon, claiming the lives of thousands of innocent citizens. These events forever changed the world in which we live.

Since that time, our nation has been engaged in a great struggle to preserve peace, freedom, and rule of law. This struggle has taken place in many parts of the world. Hundreds of thousands of Americans have been taken from their families who have made heroic sacrifices in this cause. Today we commemorate those citizens of Nevada who have made the ultimate sacrifice.

We celebrate these brave men and women, our fellow Nevadans, our neighbors, and friends. As we do so, we are tenderly conscious of those they have left behind: the widows, the orphaned children, the grieving parents. We hope that they may be comforted in some degree by knowing that the sacrifices their loved ones have made are known and appreciated by the people of Nevada.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Parker Stremmel and Kevin Zener.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Carol Turner and Chuck N. Baker.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Luana Ritch and Charley Smith.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Young.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Caleb Cage and Stan Jones.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Brigadier General William Burks.

Senator Horsford moved that the Senate adjourn until Friday, March 25, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 11:59 a.m.

Approved:

MICHAEL A. SCHNEIDER
President Pro Tempore of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate