

**THE EIGHTY-FIRST DAY**

---

CARSON CITY (Thursday), April 28, 2011

Senate called to order at 11:16 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Our Father,

We often begin a task with joy, enthusiasm and a great sense of purpose. But then the effort gets to some of us. Our emotions become raw and our patience wears thin. So, today I pray the words of King David. "Restore to me the joy of Your salvation and grant me a willing spirit, to sustain me."

Please hear our prayer for joy, a willing spirit and strength to sustain.

Thank You.

AMEN.

Pledge of Allegiance to the Flag.

Senator Wiener 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 were referred Assembly Bills Nos. 33, 55, 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 121, 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 Senators Brower, Breeden, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settlemeyer, Wiener; Assemblymen Hickey, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Ocegueda, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury:

Senate Concurrent Resolution No. 8—Memorializing Enos LeRoy Arrascada, respected attorney and community leader.

WHEREAS, The members of the Nevada Legislature note with sorrow the passing of Enos LeRoy Arrascada, a third generation Basque Nevadan, on December 15, 2009; and

WHEREAS, Born in Elko on August 19, 1936, to Ignacio "Enos" Arrascada and Maxine Cook, LeRoy graduated from Elko High School, was always involved in campus life and student government; and

WHEREAS, He attended the University of Nevada, Reno, where he successfully ran for the Student Senate, defeating classmate Richard Bryan, who went on to serve as Nevada Governor and United States Senator; and

WHEREAS, After graduating from college in 1959, LeRoy enlisted in the United States Navy and, upon discharge, entered the American University Washington College of Law in Washington, D.C., to pursue his lifelong love of the law; and

WHEREAS, While attending law school, LeRoy worked in a patronage position operating an elevator in the United States Capitol, and as fate would have it, it was in that elevator that he met the love of his life and best friend, Ellen Sullivan Arrascada, a congressional secretary, whereupon they married and moved to Reno in 1964; and

WHEREAS, Leroy loved this State with its deserts and mountains, and one of his great joys in life was going hunting and fishing in northern Nevada; and

WHEREAS, Never one to retire from his passion for the law, LeRoy worked until the day before he passed, was considered one of the true gentlemen of the legal profession and was a law partner with his son John and daughter Christine, fulfilling a dream that few fathers attain; and

WHEREAS, Very civic-minded, Leroy was extremely active in the community and was a founder and first President of the Reno Zazpiak Bat Basque Club, a former President of the Washoe County Bar Association, the Reno Host Lions Club and the Reno Aquatic Club, a former Chairman of the Democratic Party of Washoe County, a founding member of the Nevada Trial Lawyers Association and a member of the Humboldt Hunting Club, the Prospectors' Club, the Nevada Woodchucks and the Gold and Silver coffee group, and his dedication to his many causes will be sorely missed by all; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Nevada Legislature offer their deepest condolences to LeRoy's beloved wife of 45 years, Ellen, and their children and spouses Mary Ellen Arrascada and Matt Zier, John and Betsabeth Arrascada, Joseph Arrascada and Christine and John Aramini and their grandchildren Sabrina Arrascada and Elena, Amaya and Angelo Aramini, as well as his mother Maxine Cook; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to LeRoy's wife Ellen.

Senator Brower moved the adoption of the resolution.

Remarks by Senator Brower.

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

I am pleased to speak to this resolution today. The resolution cannot do LeRoy justice, nor can I, but I will try. LeRoy Arrascada was a real Nevadan. Those of us who knew him knew that fact about him. He took much pride in our State. He was a pillar of the Reno community, involved in more charitable and civic efforts than most of us could hope to be involved with. He was a devoted family man. It is so good to see the family here with us today.

I came to know LeRoy as a lawyer. He was a lawyer's lawyer. It gave him much pride to see two of his children follow him into the law and to practice with him. He was the kind of lawyer that young lawyers, like myself in Washoe County looked up to and aspired to be like. If you knew LeRoy, you wanted to know everything that he knew about the law. You hoped that, someday, you could practice in the way he did. He is and will be missed by everyone. I am pleased to see so many of his friends and family here today.

I cannot do justice with my remarks here, today, to what LeRoy meant to his family, to the Reno community, the legal profession and to the State of Nevada. I am privileged to be able to speak to this resolution. I urge our unanimous support. Thank you, Mr. President.

Resolution adopted.

Senator Brower moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 8 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Senate in recess at 11:30 a.m.

#### SENATE IN SESSION

At 11:35 p.m.

President Krolicki presiding.

Quorum present.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

Assembly Bill No. 111.

Bill read second time and ordered to third reading.

Assembly Bill No. 125.

Bill read second time and ordered to third reading.

Assembly Bill No. 166.

Bill read second time and ordered to third reading.

Assembly Bill No. 168.

Bill read second time and ordered to third reading.

Assembly Bill No. 174.

Bill read second time and ordered to third reading.

Assembly Bill No. 261.

Bill read second time and ordered to third reading.

Assembly Bill No. 262.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Wiener moved that Assembly Bills Nos. 12, 18, 83, 142, 147, 156, 217, 250, 348, 464, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Horsford moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering decennial redistricting, with Senator Parks as Chair and Senator Denis as Vice Chair of the Committee of the Whole.

Motion carried.

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

Motion carried.

Senate in recess at 12:20 p.m.

IN COMMITTEE OF THE WHOLE

At 5:47 p.m.

Senator Parks presiding.

Decennial redistricting considered.

The Committee of the Whole was addressed by Senator Parks; Michael Stewart, Research Division, Legislative Counsel Bureau; Kathy Steinle, Geographic Information Systems Manager, Legislative Counsel Bureau Information Technology Services Unit.

SENATOR PARKS:

This Committee of the Whole was called for the purpose of presenting redistricting proposals to the entire body. We have not anticipated any debate on the redistricting maps today, rather the purpose of today's Committee of the Whole, which we anticipate to be a brief presentation, is to ensure that all Senators are informed of the redistricting plans. Our non-partisan staff will be presenting the core facts about each proposal. The proposals will be formally introduced and referred to the Senate and Assembly Legislative Operations and Elections Committees for a joint meeting currently scheduled for next Thursday, May 5. As the Legislative Counsel Bureau (LCB) staff is non-partisan, they will not be taking questions today on specific aspects of the maps unless necessary for clarification. Additionally, we will make certain that all maps are fully available to the public and the membership with the opportunity to give comment next week when proposals are heard in committee. Members will subsequently be able to provide comments when the committee forwards a proposal to the Floor. All redistricting proposals will be loaded on public workstations in Carson City and Las Vegas as well as displayed in various map rooms. Proposals will be uploaded onto the Nevada Electronic Legislative Information System (NELIS) and on the Legislative website homepage under redistricting and reapportionment.

If there are any questions or comments from members of this body at this time, I ask that they be referred to our Committee on Legislative Operations and Elections for discussion at the appropriate time. At this time I will ask Kathy Steinle and Michael Stewart to guide us through the main information regarding each of these proposals. Staff will not be taking specific questions on the proposals being presented today.

MICHAEL STEWART (Research Division, Legislative Counsel Bureau):

We have been asked, today, to present factual information regarding various reapportionment and redistricting plans that have been compiled by both major political parties of the Nevada State Legislature. Before we begin, I must remind you it is our standard LCB disclosure that as central, non-partisan staff we cannot advocate for the passage or defeat of any legislation or in this case any reapportionment or redistricting plan.

We are here, today, to present only the basic information about two redistricting plans impacting the Nevada State Senate and one redistricting plan proposed by the Republican Caucus regarding Nevada's Congressional districts.

With each plan, Kathy will start with an explanation of the key geographic components and features of the overall plan and some district-specific information. I will follow that with a brief summary of some statistical information, specifically population, deviation from the ideal population, and information regarding race and ethnic minority concentrations in some legislative districts. With that introduction, I will turn this discussion over to Kathy who will begin with the redistricting plan prepared by the Senate Democrats.

KATHY STEINLE (Geographic Information Systems Manager, Legislative Counsel Bureau Information Technology Services Unit):

The maps of the redistricting portray a statewide view, a western view and a southern, Las Vegas, Clark County area view.

The Democratic plan for the Senate districts shows the 15, wholly contained, districts within Clark County. There is one that is partially contained within Clark County.

There are three districts wholly contained within Washoe County and another partial district in Washoe County.

The statewide view map shows district 19 encompassing all of Carson City, part of Douglas County, part of Lyon County, part of Storey County and part of Washoe County. District 20 consists of all of Churchill County, part of Douglas County, all of Esmeralda County, all of Humboldt County, all of Lander County, part of Lyon County, all of Mineral County, part of Nye County, all of Pershing County and part of Storey County.

In the Reno-Sparks Area view, and in the inset map at the bottom of the map, details districts, 16, 17 and 18. They are wholly contained within Washoe County. The other districts surround it.

In the Las Vegas-Clark County area view, districts 1-15 are wholly contained within Clark County. Part of district 21 is in the northern and western edges of the map.

MR. STEWART:

When we redistrict, the goal is to achieve as equal population as possible. Chart number 1 for the Senate redistricting cycle, shows the ideal population at 128,598. The largest positive deviation is 470 persons at 0.37 percent, listed in district number 18. The largest negative deviation is -580 persons and -0.45 percent in district number 20. That means that positive and negative overall deviation is 0.82 percent.

Chart number 2 details the racial and ethnic data. This is an important component of redistricting. The highest Hispanic or Latino population is in district number 2 at 63.22 percent followed by district number 10 at 57.83 percent, district number 4 at 37.37 percent and district number 3 at 35.3 percent. Other notable Hispanic populations are 40.31 percent in district number 14 and a district in Washoe County, number 17 at 33.07 percent. Statewide, the total Hispanic population by the 2010 census was 716,501 equaling 26.53 percent of the State population.

The Black, or African-American, population has the highest population in district number 4 at 28.57 percent, followed by district number 1 at 21.10 percent.

There is a notable Asian population in district number 9 at 22.32 percent.

On NELIS there is information on the voting age population as well. We will not discuss that at this time.

Ms. Steinle will now discuss the Republican Plan.

MS. STEINLE:

The Republican plan has 15 Clark County Senate Districts wholly contained within Clark County. There are two wholly contained Washoe County districts.

District number 16 is the northern district has part of Clark County, part of Churchill County, all of Elko County, Eureka County, Humboldt County, Lander County, Lincoln County, Pershing County and White Pine County.

District number 17 is the district below that with all of Nye County, part of Churchill County, all of Esmeralda County, part of Lyon County, part of Mineral County, all of Nye County, all of Storey County and part of Washoe County.

District number 18 contains part of Carson City, all of Douglas County, part of Lyon County and part of Mineral County.

Districts number 19 and 20 are in Washoe County. District number 20 has part of Carson City in it.

In Las Vegas, the Republican plan shows the 15 wholly contained districts within Clark County. District number 16 is on the northern boundary coming into Clark County.

MR. STEWART:

The ideal population to achieve is 128,598 as indicated in chart number 5. There are several districts with a total Hispanic population of over 50 percent. District number 1 has 57.9 percent,

number 5 has 57.3 percent, number 3 has 56.8 percent and number 4 with 50.5 percent. The Hispanic voting age population, except for in district number 4, are all over 50 percent.

In district number 2, the Black and African-American voting age population is the highest at 25.3 percent.

The largest positive deviation of this plan is 0.09 percent in district number 3 and the largest negative deviation is -0.07 percent in district number 18 with an overall range of deviation of 0.16 percent.

MS. STEINLE:

Congressional districts 2 and 3 in the Republican Plan consist of the northern part of the State. Districts number 1 and 4 are wholly contained within Clark County. District 2 contains all of Carson City, all of Churchill County, part of Douglas County, all of Elko County, Eureka County, Humboldt County, Lander County, part of Lyon County, all of Pershing County, Storey County, Washoe County and White Pine County. District number 3 has part of Clark County, part of Douglas County, all of Esmeralda County, Lincoln County, part of Lyon County, all of Mineral County and all of Nye County.

Lyon County and Douglas County are split. In Las Vegas, district number 1 and district number 4 are completely surrounded by district number 3. It comes up from the north.

MR. STEWART:

The statistical layout of this plan shows the largest positive deviation is zero. The largest negative deviation is -1. The ideal population for these congressional districts is 675,138.

Looking at the total Hispanic population in Congressional District No. 4 reaches a majority at 50.7 percent. The voting age population is 44.3 percent Hispanic. The Black, African-American voting age population is 14.2 percent.

MS. STEINLE:

The maps and tables for all plans will be in room 3161. Those will be available for the public to view. On the public workstations, the Democratic plan will be available.

SENATOR PARKS:

Thank you. Are there any questions from the members of the Committee of the Whole?

The maps submitted by various interested parties during the time we held hearings in Carson City, Fallon, Reno, and in Las Vegas were placed on NELIS for the dates of those hearings. Will the maps and related information be brought forward to the main web page including these maps presented today?

MS. STEINLE:

Yes, we can do that. All the maps available on redistricting can be on the redistricting web page including the ones presented by the public.

SENATOR PARKS:

Thank you that will be appreciated.

On the motion of Senator Lee and second by Senator Gustavson, the Committee of the Whole did rise, and report back to the Senate.

#### SENATE IN SESSION

At 6:07 p.m.

President Krolicki presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 86.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Bobbie McCollum and Pat Devereux.

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to former Senator William Raggio, Dale Raggio, Joel Taylor, Ellen Arrascada, John Arrascada, Mary Ellen Arrascada, Christine Aramini, Joseph Arrascada, Betsabeth Arrascada, Matt Zier, John Aramini, Maxine Cook, Sabrina Arrascada, Elena Aramini, Angelo Aramini, Amaya Aramini, Robert Loose, Sandy Sell, Natalia Beltz, Susan Gaither and Barbara Green

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Terri Miller.

On request of Senator Copening, the privilege of the Floor of the Senate Chamber for this day was extended to Jodene Poley.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to Dee John.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Jerry Stacy.

On request of Senator Halseth, the privilege of the Floor of the Senate Chamber for this day was extended to Mollie Miller.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Katie Bowen, Yvonne Hardy and Adriane Zaniewski.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to Sheri Carlsen, Trish O'Flinn and Rowan Dashner.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to April West-Kieckhefer and the following students from the Brookfield Elementary School: Rahul Bagchi, Asa Bizar, Clay Bollesen, Jacob Colombo, Noah Conkey, Justin Demirtas, Justin Friedlander, Jackson Fyda, Matthew Goecker, Dylan Gosal, Natasha Hallerbach, Kevin Jin, Knight Karadanis, Zoa Katok, Emilee Keppelmann, Michael Kerr, Griffin Kutler Dodd, Jack Landree, Rachel Lillaney, Flynn Lundeen, Kaetochi Okpukpara, Harrison Paas, Dalton Plummer, Michael Rowley, Madison Tayler, Bianca Valdespin and Adelane Weinert.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Emily Rhodenbaugh, Leslie Sexton and Debra Carmichael.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Kaitlynn Plummer, Gena Plummer, James Newcomb and Julie Newman.

On request of Senator Leslie, the privilege of the Floor of the Senate Chamber for this day was extended to Judge Peter Breen and Bonnie Borda Hoffecker.

On request of Senator Manendo, the privilege of the Floor of the Senate Chamber for this day was extended to Judy Toscano, Sandra Hudgens, Charity Fowler, Michelle Van Geel and Linda Fehr.

On request of Senator McGinness, the privilege of the Floor of the Senate Chamber for this day was extended to Charles Welsh, Jane Welsh, Ricka Benum and the following students, teachers and chaperones from the West End Elementary School: Damarius Allen, Macie Anderson, Brady Blundell, Danyelle Braden, Lisette Camacho, Jacob Cates, Darby Cecil, Kyler Christensen, Megan Crosby, Hannah Evans, Leelah Friberg, Dawson Frost, Shelby Hickox, Joshua Housel, Thomas Jamieson, Clark Johnson, Blake Malkovich, Sean McCormick, Nesly Robles, Kamryn Rutledge, Leila San Agustin, Guy Schortgen, Cody Sponsler, Gustavo Torres, Julia Wideman, Skyler Word, Mary Grace Young, Jordan Beyer, Leighton Beyer, Sharon Caffero, Britney Davis, Christopher DenBleyker, Emily Evett, Skye Farmer, Hayden Fulk, Myles Getto, Wynter Gilbert, Jared Harmon, Maddilyn Hill, Giuliana Hofheins, Kaitlyn Hunter, Sterling Lee, Luis Leef, Austin Lunderstadt, Devin Lyons, Allison Marrujo, Morgan McAlexander, Garrett McKnight, Mark Moyle, Leilani Otuafi, Chloe Overlie, Carmen Trinidad, Brylynn Vallejos, Tyler Word, Aya Armbruster, Dalton Boice, Ashley Briggs, Trevor Brown, Chelsea Clevenger, Destinee DePaulis, John Michael Frandsen, Ellie Gehman, Sierra Hickox, Dylan Holmes, Nate Hutchings, Jacob Jones, Fearghus Keitz, Tylor Logue, Trent Marker, Becca McKnight, Jordan Medrano, Josh Mikulak, Julian Plasencio, Samantha Portillo, Brynlee Shults, Nathan Thompson, Maycee Wadsworth, Kurtis Ward, Lizzie Williams, Sean Wood, AJ Wood; teachers: Julie Stockard, Shannon Matheson and Natalie Lane; chaperones: Kelly Frost, Shanta Sponsler, Yolanda Kaster, Shannon Davis, Kristi Lunderstadt, Teresa Gehman, Chris Medrano, Denise Marker, Molly Collins and Taylor Collins.

On request of Senator Parks, the privilege of the Floor of the Senate Chamber for this day was extended to Stella Blood.

On request of Senator Rhoads, the privilege of the Floor of the Senate Chamber for this day was extended to Billie Brinkman.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Maudie Long.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Maureen Brower.

On request of Senator Wiener, the privilege of the Floor of the Senate Chamber for this day was extended to Justice Ron Parraguirre, Jeanne Baret and Assemblywoman Mastroluca.

Senator Horsford moved that the Senate adjourn until Monday, May 2, 2011, at 11 a.m.

Motion carried.

Senate adjourned at 6:10 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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