

THE ELEVENTH DAY

CARSON CITY (Thursday), February 12, 2015

Senate called to order at 11:42 a.m.

President Hutchison presiding.

Roll called.

All present except Senators Segerblom and Smith, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We pray, O God, that You will fill this sacred moment with meaning and make it an oasis for the refreshing of our souls and a window cleaning for our vision and a recharging of our batteries of our spirits. Let us have less talking and more thinking, less work and more worship, less pressure and more prayer. For if we are too busy to pray, we are far busier than we have any right to be.

Speak to us, O Lord, and make us listen to Your broadcasting station that never goes off the air. We, then, will be able to listen to Your Spirit who is waiting to lead us into truth.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 11, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 33.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Spearman, Manendo, Woodhouse, Parks, Ford, Atkinson, Denis and Kihuen:

Senate Joint Resolution No. 7—Proposing to amend the Nevada Constitution to provide certain rights to voters.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 1A, be added to Article 2 of the Nevada Constitution to read as follows:

Sec. 1A. Each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at his or her polling place to vote at the time that the polls close and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. *To a sample ballot which is accurate, informative and delivered in a timely manner.*

8. *To receive instruction in the use of the equipment for voting during any period for early voting or on election day.*

9. *To equal access to the elections system without discrimination, including, without limitation, discrimination on the basis of race, age, disability, employment or overseas residence.*

10. *To a uniform, statewide standard for counting and recounting all votes accurately.*

11. *To have complaints about elections and election contests resolved fairly, accurately and efficiently.*

Senator Spearman moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Gustavson, Settlemeyer; Assemblymen Fiore, Ellison, Dickman, Jones and Wheeler:

Senate Bill No. 138—AN ACT relating to criminal procedure; establishing a uniform procedure for the criminal forfeiture of property used or obtained in certain crimes; providing for the distribution of forfeited property and proceeds from the sale of such property; requiring the reporting of certain information relating to the forfeiture of property; revising provisions authorizing the forfeiture of property; repealing certain provisions governing the seizure, forfeiture and disposition of property and proceeds; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Settlemeyer; Assemblymen Fiore, Dickman, Jones, O'Neill and Wheeler:

Senate Bill No. 139—AN ACT relating to alcoholic beverages; removing the limitation on the number of barrels of malt beverages that an operator of one or more brew pubs may manufacture in any calendar year; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Settlemeyer; Assemblymen Fiore, Wheeler, Dickman, Jones, O'Neill and Titus:

Senate Bill No. 140—AN ACT relating to post-conviction relief; requiring a person to obtain permission from the court before filing a second or successive petition for habeas corpus in certain circumstances; revising provisions governing the appointment of counsel for a post-conviction petition for habeas corpus in which the petitioner has been sentenced to death; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Settlemeyer; Assemblymen Fiore, Dickman, Jones, O'Neill and Wheeler:

Senate Bill No. 141—AN ACT relating to weapons; revising provisions governing certain dangerous or deadly weapons; revising provisions concerning certain concealed weapons; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Gustavson, Hammond, Settlemeyer; Assemblymen Fiore, Hansen, Carrillo, Dickman, Ellison, Jones, O'Neill, Oscarson, Titus and Wheeler:

Senate Bill No. 142—AN ACT relating to motorcycles; revising provisions governing the wearing of protective headgear when operating motorcycles under certain circumstances; requiring that all applicants for a motorcycle driver's license or endorsement complete an approved motorcycle safety course; and providing other matters properly relating thereto.

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

Motion carried.

By Gustavson, Goicoechea, Settlemeyer; Assemblymen Fiore, Ellison, Hansen, Dickman, Jones, O'Neill, Oscarson, Titus and Wheeler:

Senate Bill No. 143—AN ACT relating to concealed firearms; removing the prohibition against carrying a concealed firearm; repealing certain provisions relating to permits to carry a concealed firearm; deleting certain provisions relating to the registration of firearms capable of being concealed; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Manendo, Parks, Woodhouse and Spearman:

Senate Bill No. 144—AN ACT relating to public safety; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones; revising provisions relating to vehicles and pedestrians in certain crosswalks and intersections; prohibiting a driver from making a U-turn in a school zone or a school crossing zone in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Manendo, Parks, Woodhouse, Spearman, Hammond; Assemblymen Silberkraus, Moore, Dooling, Edwards, Flores, Gardner, Seaman and Thompson:

Senate Bill No. 145—AN ACT relating to motorcycles; authorizing a nonresident who is a member of the Armed Forces of the United States and is stationed in Nevada to enroll in the Program for the Education of Motorcycle Riders; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks, Spearman and Assemblywoman Bustamante Adams:

Senate Bill No. 146—AN ACT relating to wages; authorizing an employer and employee to enter into a written agreement to exclude from the employee's wages a regularly scheduled sleeping period under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks, Manendo and Woodhouse:

Senate Bill No. 147—AN ACT relating to peace officers; requiring peace officers to be trained in effective responses to incidents involving dogs or where dogs are present; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 148—AN ACT relating to child welfare; revising requirements concerning service of a summons to a hearing on a petition that a child is in need of protection; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Atkinson, Kihuen, Ford; Assemblymen Sprinkle and Carlton:

Senate Bill No. 149—AN ACT relating to public works; requiring the State Treasurer to establish a program to provide matching grants of money to local governments in this State for the maintenance and repair of public works; authorizing for that purpose the issuance of general obligation bonds of the State of Nevada; providing for the administration of the program and

authorizing the adoption of regulations; allocating a portion of the basic governmental services tax to the State General Fund and the State Highway Fund; and providing other matters properly relating thereto.

Senator Atkinson moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senator Atkinson:

Senate Bill No. 150—AN ACT relating to local improvements; providing for the creation of certain local improvement districts that include an energy efficiency improvement project or a renewable energy project; and providing other matters properly relating thereto.

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

Motion carried.

By Atkinson, Kihuen, Ford, Settlemeyer; Assemblymen Kirkpatrick, Sprinkle and Carlton:

Senate Bill No. 151—AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility which purchases natural gas for resale to expand its infrastructure in a manner consistent with a program of economic development proposed by the public utility and approved by the Commission; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Spearman, Manendo, Woodhouse, Parks, Atkinson, Kihuen:

Senate Bill No. 152—AN ACT relating to public safety; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones; enhancing the penalty for certain traffic violations which occur in school zones or school crossing zones; revising provisions relating to pedestrians and crosswalks; authorizing courts to impose mandatory attendance in a pedestrian, bicycle and traffic safety course for the driver of a vehicle found guilty of certain traffic violations; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 33.

Senator Kieckhefer moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 119.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

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

Today, we are here to take a few minutes out of our typical Floor Session schedule to welcome our guests for a special presentation. Nevada just celebrated her 150th anniversary of statehood, and we did it in grand fashion. I hope all of you had the opportunity to join in and participate in some of the hundreds of events held all around the State—in every county and in many cities. It was a year where we showed our Nevada pride in so many ways. There were parades, rodeos, a statewide sing-along, an extraordinary All-Star Concert at the Smith Center, plays and art exhibits just to name a few.

Currently, there is an exhibit on the second floor, in our Atrium area, that will give you a taste of Nevada's 150th birthday party. If you have not already, you should take a few minutes and look at it.

Today, the Sesquicentennial Commission, as one of its Legacy Projects, is presenting us with an original bronze relief to be displayed in the Senate Chambers. We are so proud to accept this gift.

At this time, I am going to turn the remainder of the presentation over to someone familiar to all of us, former Lt. Governor Brian Krolicki who chaired the Commission. He will talk about the presentation and introduce the other special guests here with us today.

Senator Roberson requested that the remarks of guest speakers former Lieutenant Governor Brian Krolicki and Bud Hicks, President of the Nevada 150 Foundation, be entered into the Journal.

FORMER LIEUTENANT GOVERNOR BRIAN KROLICKI (Chair, Sesquicentennial Commission):

Mr. President, it is a pleasure to be here. What a year we had in Nevada last year during the sesquicentennial. There were over 500 events in the State during the year. There were different kinds of events—official events, signature events and legacy projects or events. This is one of the legacy projects.

There were 13 people on the Sesquicentennial Commission and several are here, today: Nenna Laxalt served as Vice Chairman; Bud Hicks served as President of the not-for-profit Foundation that helped with sesquicentennial events; Sherry Rupert is Executive Director for the Nevada Indian Commission and Don Newman is the Director of the Elko Convention and Visitors Authority. He assisted with the display of the saddle on the second floor. On behalf of the 13 members of this Commission, who have worked so hard for so long, we are proud to be here, today.

Today is Abraham Lincoln's birthday. Having spent so much time in this Chamber, Mr. President, it was just not quite fulfilling knowing we had nothing representing President Lincoln. Your colleagues down the hallway have a portrait of Abraham Lincoln. It is interesting to note, they received that portrait 100 years ago. Today, 100 years after receipt of that portrait, it seems fitting that the Senate should receive its own version of the father of Nevada, Abraham Lincoln.

Thank you for inviting me. I would like to introduce the man commissioned to create this work. There is stunning statue of Sarah Winnemucca in Washington D.C. and a sister statue in the Nevada Capitol building. Benjamin Victor is an exquisite artist. He is a part of us. There is an equity and a relationship we have with him. His special talent has brought us the sculpture that will hang here in Chamber. Bud Hicks will continue the introductions. This has been his

project. He has been discussing it for almost two years, and now it has finally happened. Congratulations.

BUD HICKS (President, Nevada 150 Foundation):

Thank you for permitting me to address the Senate. I have had the privilege of serving on the Nevada Sesquicentennial Commission, and I continue to serve as President of the Nevada 150 Foundation. The Foundation is a 501(c) 3 charitable organization formed to manage the funds raised for the Sesquicentennial Celebrations.

I am pleased to have the opportunity to be here, today, as one of the Commissions Legacy Projects is unveiled and presented to the Nevada State Senate. I am also pleased to introduce the artist who created this beautiful piece of art and tell you a little bit about him. Benjamin Victor is not new to Nevada. In fact, he has many fine works of art on display in our State.

Mr. Victor is the Artist in Residence and professor of the Practice at Boise State University. His work is admired and installed all over the United States, as well as internationally.

He may be most well known in Nevada for his statue of Sarah Winnemucca that proudly represents Nevada in Statuary Hall in the United States Capitol. An exact replica is across the way in our State Capitol.

Mr. Victor was 26 years old at the time the Sarah Winnemucca statute was placed in the Nation's Capital, making him the youngest artist ever to have his work placed in the Statuary Hall. Nine years later, he became the only living artist to have a second sculpture placed in the Statuary Hall in our Nation's Capital.

Mr. Victor's beautiful sculpture of Helen Stewart, the first lady of Las Vegas, is prominently displayed at the Old Mormon Fort State Park in Las Vegas. His most recent Nevada statue is of a Great Basin Native American woman holding a basket with a baby in a cradleboard on her back which is now proudly displayed at the entrance of the California Trail Interpretative Center just west of Elko.

His art is enjoyed and appreciated statewide. We are pleased to have him here with us today to participate in the presentation and unveiling of his latest work of art to grace our State. I ask Lt. Governor Hutchison, Senator Roberson, Senator Ford, and Mr. Victor to join me and the other members of the Sesquicentennial Commission as we present this fine work of art to our State Senate.

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

Motion carried.

Senate in recess at 12:07 p.m.

SENATE IN SESSION

At 12:16 p.m.

President Hutchison presiding.

Quorum present.

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

SENATOR WOODHOUSE:

I am honored, today, to be able to introduce to you Rick Odynski who is the ACTIONN Leader and Co-chair of ACTIONN's Leadership Council. Also, in the gallery, we have additional members from ACTIONN.

For those of you who are not aware of ACTIONN (Acting in the Community Together in Organizing Northern Nevada), they develop the leadership of people of faith at the grassroots level to achieve power for positive change. Bringing people together across racial, economic and religious lines. ACTIONN listens to the stories of the people in northern Nevada and connects with civic and political leaders to build relationships, identify common concerns, find solutions

and take action to improve the quality of life and expand opportunity for all northern Nevada families, especially the most vulnerable. ACTIONN represents the interests of 41 faith communities including over 35,000 families. I would also like to add that Mr. Odynski has shared with me that organization is expanding to southern Nevada. Please make them all feel welcome. Thank you.

SENATOR HARDY:

Yesterday, although they were not here, we introduced six youth from the Boys and Girls Clubs who were in competition for Youth of the Year. Their names are in yesterday's Journal. Some of us attended the awards banquet last night. I would like to share a story from that event.

A young lady from Elko got up and told a story about when her mother was a single parent. After her brother was born, this girl's mother took her to the courthouse. She met her father for the first time, and then her mother walked away, never to return. As she told this story, the young lady began crying. As she was crying, the young man representing Nellis Air Force Base came up and gave her a napkin to wipe away her tears. All of the adults just sat and watched her cry, but this young man, with a heart, went up and helped her wipe away her tears. That young man, Caleb Franceschini, became the Youth of the Year for the Military. Jeffery Valladares, from Yerington, was named Nevada Youth of Year. We are truly in good hands as we look at these youth coming up today.

SENATOR FORD:

It is fitting that, today, was the unveiling of the Lincoln Bronze. I stand because, in 1926, Dr. Carter G. Woodson initiated what has now become "Black History Month." He chose February, in part, because it was the same month that Frederick Douglass was born, but also because it is the same month Abraham Lincoln was born. As you all know, Abraham Lincoln issued the Emancipation Proclamation that freed most of the slaves in our Nation. I would like to share some thoughts of mine and thoughts we can all embrace as we celebrate Black History Month.

Fifty years after the passage of a Voting Rights Act that guaranteed African-Americans' right to vote, 48 years after the first African-American was appointed to the U.S. Supreme Court, and 6 years after the first African-American was elected President of the United States, it seems unusual to some to have February designated as "Black History Month." After all, for many younger people in our Country, Black History is known simply as "history." To many, the importance of race or ethnicity as an overt force in society has begun to fade.

Despite our national progress, however, we must remember that America's spirit is defined by the diverse groups of people coming together to form our collective history. As we study that history, it is important that we continue to recognize and celebrate the contributions of all Americans, including African-Americans, to our Nation's success.

Understanding the historical experience of African-Americans, like so many other groups, helps us become a more compassionate, inclusive and empathetic society. The more we learn about those who may not look just like us, the easier it is to bridge divides and build understanding between us. The more we know about where each other has been, the easier it will be to see where, together, we are headed.

So this month, I urge all Nevadans of all backgrounds to take the time to learn a little more about African-American history. Whether you learn about an individual, a group, an era or a movement, I think you will find yourself enriched and even more appreciative of our American history than you were before.

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 THE SENATE FLOOR

On request of Senator Atkinson, the privilege of the floor of the Senate Chamber for this day was extended to Don Newman.

On request of Senator Ford, the privilege of the floor of the Senate Chamber for this day was extended to Sherry Rupert.

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Robert Guillen, Rick Fernandez, Mindy Baker and Liz MacMenamin.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Patty Cafferata.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Neena Laxalt.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Xander Avilla, Lina Bae, Aedan Barnum, Kaitlin Board, Lay-la Bogard, Zachary Brown, Sky Carias, Darrel Chaney, Jasmine Cisneros, Paul Cochran, Travis Coulter, Alyson Gonsalves, Luke Hayes, Kaitlyn Hur, Rebecca Johnson, Olivia McIntyre, Ryan Perkins, Jordan Resuello, Ezra Robinson, Addisyn Sawyer, Dimitri Shepherd, Kailii Song, Tessa Specchio, Tanner Stewart, Cameron Washington, Joss Wilson, Melody Lepe, Annabella Anderson, Boden Aytes, Gia Bellione, Leyton Bigelow, Kylie Canchola, Makenna Francl, David Gonzalez, Elijah Hallenbeck, Annaleisa Harding, Jade Hernandez Sanchez, Keely Jones, John Kimberlin, Talyn Lange, Oscar Lin, Alexis Kimberly Lingad, Reed Long, Kiria Luevano, Taylar Marche, Andrea Melendres, Joanna Mendoza, Nicole Nidever, Agustin Ramirez, Gabriel Rangel Romo, Ivette Reyes Urtiz, Grace Salter, Milayah Sawyers, Juliann Schrimpf, Gael Vazquez Cardenas, Dominic Zeferin and former Lieutenant Governor Brian Krolicki.

On request of Senator Kihuen, the privilege of the floor of the Senate Chamber for this day was extended to Benjamin Victor.

On request of Senator Roberson, the privilege of the floor of the Senate Chamber for this day was extended to Bud Hicks.

On request of Senator Settlemeyer, the privilege of the floor of the Senate Chamber for this day was extended to Dave Shaddrick.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Rick Odynski.

Senator Roberson moved that the Senate adjourn until Monday, February 16, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:26 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate