

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 12, 2007

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

President pro Tempore Amodei presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Louie Locke.

Thank you for the privilege of being with you and praying. The congregation I serve is committed to pray for each of you during this Session.

Father God, we thank You for this beautiful day and ask that You give wisdom and guidance in the considerations and decisions before this body.

The prophet Micah wrote: "He has shown you, O man, what is good; and what does the Lord require of you? But to do justly, to love mercy, and to walk humbly with your God (*Micah 6:8*)."

May these qualities shape and govern our lives—justice, mercy and humility.

Lord, please bless the men and women of this Senate, their families and staff, and protect our military as they serve our Nation.

We have also been asked to pray for Adam Thomas, Senator Schneider's legislative intern from University of Nevada, Reno, who was seriously injured in an automobile accident this weekend. He is in intensive care with severe brain injury. Lord, we would ask that You would spare his life; that You would touch and heal his body, and that You would give strength and comfort to his family during this time of stress.

God bless you.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio 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 pro Tempore:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 8, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 32, 43, 199.

LUCINDA BENJAMIN
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation and Homeland Security:

Senate Joint Resolution No. 5—Urging the United States Congress to repeal the REAL ID Act of 2005.

Senator Nolan moved that the resolution be referred to the Committee on Transportation and Homeland Security.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Senate Bill No. 243—AN ACT relating to civil actions; requiring an affidavit and a report in an action against certain design professionals involving nonresidential construction; requiring a court to dismiss such an action if the attorney filing the action fails to file the affidavit or report or fails to name the expert consulted in the affidavit; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan:

Senate Bill No. 244—AN ACT relating to emergency medical services; requiring the Health Division of the Department of Health and Human Services to conduct an on-going study relating to waiting times at hospitals; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senators Nolan and Woodhouse:

Senate Bill No. 245—AN ACT relating to education; revising provisions governing the attendance required of pupils to receive credit or be promoted to the next grade; revising provisions governing the temporary alternative placement of pupils for disruptive behavior; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Townsend:

Senate Bill No. 246—AN ACT relating to public utilities; restricting and taking away the authority of cities and counties to impose franchise fees and other similar fees upon certain public utilities; and providing other matters properly relating thereto.

Senator Townsend moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senators Wiener, Horsford, Woodhouse, Titus, Schneider, Amodei, Cegavske, Heck, Lee, Mathews, Washington and Assemblywoman Parnell:

Senate Bill No. 247—AN ACT relating to education; creating the Nevada Youth Legislative Issues Forum; prescribing the membership, powers and duties of the Forum; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 248—AN ACT relating to the judicial system; adjusting prospectively the salaries of justices of the Supreme Court and district judges; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 249—AN ACT relating to juvenile justice; revising provisions relating to the financial support of regional facilities for the detention of children; requiring the inclusion of a certain amount of money for the support of such facilities in the proposed budget for the Executive Branch of State Government; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 250—AN ACT making an appropriation to the Adjutant General of the Office of the Military for the purchase of replacement vehicles and equipment; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 251—AN ACT making appropriations to the State Department of Conservation and Natural Resources for replacement vehicles and computer hardware and software and to restore the balance in the Channel Clearance Account; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 252—AN ACT making appropriations to the Division of Welfare and Supportive Services of the Department of Health and Human

Services for the replacement of certain office equipment and computers; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 253—AN ACT making appropriations to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for computer hardware and software, vehicles, furniture and other equipment; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 254—AN ACT making appropriations to the Clark County Public Education Foundation and the Washoe County School District Educational Foundation for new programs and outreach expansion; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 255—AN ACT making an appropriation to High Sierra Industries, Inc., for facilities to support, train and employ persons with disabilities; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Washington:

Senate Bill No. 256—AN ACT relating to public works; imposing under certain circumstances an inverse preference with respect to bids on contracts for public works which are submitted by contractors who are residents of another state; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Senate Bill No. 257—AN ACT relating to taxation; authorizing the Board of County Commissioners of Nye County to increase the sales and use tax to recruit, employ and equip additional deputy sheriffs for Nye County; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senator Care (by request):

Senate Bill No. 258—AN ACT relating to real estate; providing that certain duties imposed by statute on a person licensed by the Real Estate Division of the Department of Business and Industry as a real estate broker, broker-salesman or salesman are the licensee's exclusive duties; revising certain duties owed by a licensee to a party to a real estate transaction or to a client who has entered into a brokerage agreement with a licensee; requiring that a brokerage agreement which imposes certain additional duties on a licensee be in writing; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Amodei:

Senate Bill No. 259—AN ACT relating to financial services; making persons who violate certain provisions of federal law subject to remedies and penalties set forth in state law; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Amodei:

Senate Bill No. 260—AN ACT relating to systems of communication; requiring that the Division of Forestry of the State Department of Conservation and Natural Resources conduct a study on the establishment of a statewide VHF radio system; making an appropriation to the Division of Forestry to conduct the study; requiring that the VHF radio system of the Nevada Highway Patrol of the Department of Public Safety not be dismantled or sold until the completion and presentation of the study to the 2009 Regular Session of the Legislature; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Washington:

Senate Bill No. 261—AN ACT making an appropriation to the City of Fernley for the construction of a sound barrier wall; and providing other matters properly relating thereto.

Senator Washington moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senators Beers, Washington, Heck, Townsend, Cegavske, Amodei, Hardy, Lee, McGinness, Nolan, Rhoads; Assemblymen Hardy, Gansert, Beers, Grady, Marvel, Settlemeyer, Stewart and Weber:

Senate Bill No. 262—AN ACT relating to taxation; providing for the reduction of certain excise taxes payable by employers that contribute to health savings accounts for their employees; and providing other matters properly relating thereto.

Senator Beers moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senators Schneider, Hardy, Beers, Carlton, Coffin, Horsford, Lee, Rhoads, Wiener; Assemblymen Parks, Anderson, Kirkpatrick, Ocegueda, Pierce and Womack:

Senate Bill No. 263—AN ACT relating to motor vehicles; providing for the licensure of private entities to register motor vehicles and prepare the necessary documents for the issuance of certificates of title; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By Senators Cegavske, Beers, Care, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads and Washington:

Senate Bill No. 264—AN ACT relating to education; providing for the issuance and renewal of a special qualifications license to an applicant who satisfies certain certification, examination and other requirements; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Carlton (by request):

Senate Bill No. 265—AN ACT relating to dentistry; increasing the maximum salary a member of the Board of Dental Examiners of Nevada is entitled to receive for each day he is engaged in the business of the Board; authorizing the Executive Director and the members of the Board to issue subpoenas; revising the requirements for the issuance of a permanent license for an applicant who holds a temporary license; eliminating the requirement that the Board meet at least annually to examine applicants for licenses; providing penalties; and providing other matters properly relating thereto.

Senator Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 32.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 43.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 199.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Hardy moved that Senate Bill No. 139 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Hardy.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 99.

Bill read third time.

Remarks by Senator Hardy.

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

There was some confusion on this bill in committee, and I think we established a good record there. Some people had concerns that this bill might somehow influence loss payments or premium payments of subcontractors verses the Owner Controlled Insurance Program (OCIP), and I want to clarify and make it clear, for the record, that we asked that question a number of times in committee. Only the modification factor follows the subcontractor. It should have no impact there. It will impact the premiums of that contractor both positive and negative based on what the modification factor is, but it was felt this was necessary for subcontractors who were working on OCIPs requiring them to pay close attention to their safety programs. We are seeing a trend of contractors who do not have effective insurance programs gravitating towards these OCIPs. We now join 48 other states in having this procedure in law.

Thank you.

Roll call on Senate Bill No. 99:

YEAS—21.

NAYS—None.

Senate Bill No. 99 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 121.

Bill read third time.

Roll call on Senate Bill No. 121:

YEAS—21.

NAYS—None.

Senate Bill No. 121 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122.

Bill read third time.

Roll call on Senate Bill No. 122:

YEAS—21.

NAYS—None.

Senate Bill No. 122 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162.

Bill read third time.

Roll call on Senate Bill No. 162:

YEAS—21.

NAYS—None.

Senate Bill No. 162 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168.

Bill read third time.

Roll call on Senate Bill No. 168:

YEAS—21.

NAYS—None.

Senate Bill No. 168 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177.

Bill read third time.

Roll call on Senate Bill No. 177:

YEAS—21.

NAYS—None.

Senate Bill No. 177 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.

Bill read third time.

Roll call on Senate Bill No. 196:

YEAS—21.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 26.

Bill read third time.

Roll call on Assembly Bill No. 26:

YEAS—21.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 12, 2007

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. 11.

LUCINDA BENJAMIN

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 11—Commemorating philanthropist
and social justice activist Maya Miller.

WHEREAS, The members of the 74th Session of the Nevada Legislature are saddened by the
loss of Maya Miller, a philanthropist and social justice activist, who passed away on
May 31, 2006, at 90 years of age; and

WHEREAS, A woman of independent means, Maya could have been satisfied to live the
lavish life of a socialite in a mansion, but preferred her ranch in Washoe Valley, where she
served her homemade bread and soup to friends and family, along with conversation concerning
solutions to the social problems of the world, where she inspired others to take up the fight for
those who could not stand up for themselves; and

WHEREAS, An adamant feminist, Maya Miller knew that the way out of poverty for women
and children was to provide women with child care, job training and housing so they could
become self-sufficient, and she fought for welfare reform to give dignity and respect to those on
welfare; and

WHEREAS, Maya ran, though unsuccessfully, for the United States Senate in Nevada to
bring attention to women in politics, changing the face of state politics both literally and
figuratively by funding campaigns for women, and was instrumental in founding the national
Women's Campaign Fund, which sponsors female candidates seeking political office, and the
Nevada Women's Fund, which addresses critical social needs of women in Nevada; and

WHEREAS, Not satisfied to donate only money, Maya was a warrior in the fight against
poverty, racism, injustice and war, proving her moxie at the age of 75 by driving a truck with
infant formula, food and medical supplies from Jordan to Baghdad, Iraq, during the Persian Gulf
War, despite the embargo; and

WHEREAS, Maya looked beyond the borders of Nevada and the United States by working
for peace and human rights in such places as Guatemala, Nicaragua and Iraq; and

WHEREAS, Concerned with the environment, Maya testified against storage of nuclear
waste in Nevada, a stance which was unheard of at the time, cofounded the Foresta Institute for
Ocean and Mountain Studies and helped to create the Lake Tahoe-Nevada State Park which
includes Sand Harbor; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
CONCURRING, That the members of the Nevada Legislature extend condolences to the family

of Maya Miller, who will be missed for her generosity of spirit and her passion for and commitment to the social issues that she spent her life fighting for; and be it further

RESOLVED, That Maya is survived by her daughter and three grandchildren; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Maya's daughter Kit Miller.

Senator Titus moved the adoption of the resolution.

Remarks by Senator Titus.

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

Thank you, Mr. President pro Tempore. I feel privileged to rise in support of this resolution honoring the legendary Maya Miller, who will always be a larger than life figure on Nevada's historical landscape.

Words seem inadequate to describe Maya because this fantastic woman was a person of actions, always moving, hard to pin down. Perhaps gerunds are most appropriate when remembering Maya—talking, thinking, giving, cooking, caring, fighting and protesting to mention a few. She is Nevada's Joan of Arc and Don Quixote all rolled up into one small frame. She supported good causes; she searched for the truth; she fought against injustice, and she nurtured others less fortunate.

Maya was a role model, a sponsor, a mentor and a loyal friend. Her handsome face, her gravely voice, her strong handshake, her quick wit, her generous spirit and her loving heart changed the lives of so many of us.

What will we do without her?

Resolution adopted.

Resolution ordered transmitted to the Assembly.

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

Motion carried

Senate in recess at 11:56 a.m.

SENATE IN SESSION

At 11:58 a.m.

President pro Tempore Amodei presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Assembly Concurrent Resolution No. 10.

REMARKS FROM THE FLOOR

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

Last Thursday night, there was a wonderful gala event honoring our colleague, Senator Randolph Townsend. At that event, they showed little snippets of people who had spoken about their colleague, Senator Townsend. I taped one of those snippets, but for some reason, I ended up on the cutting room floor. I did not get to give my comments then so I would like to give them now.

Besides a love of furry friends and the legislative process, Senator Townsend and I share an appreciation for movies, and we often run into each other at weekend matinees. Therefore, I thought perhaps some recent blockbusters would be a good way to describe the Senator's career:

The Devil Wears Prada, but Randolph prefers Armani. He has better hair than *The Queen*, and he wears expensive jewelry but swears to never buy *Blood Diamonds*. He has been known to pass himself off as the *Last King of...* Switzerland.

Some of his constituents think of him as *The Departed* because he spends more time in Las Vegas than in his own district.

He treats his staff like *The Dream Girls*, and in return, they affectionately refer to him behind his back as *Little Mr. Sunshine*.

His career has never been touched by the *Notes of Scandal*, and when it come to public policy, Senator Townsend never shies away from telling *An Inconvenient Truth* even if it makes the lobbyists go apocalyptic!

Randolph, you are our *Good Shepherd*. You are a good friend and a great colleague. Congratulations on this well deserved recognition. See you at the flicks.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Michael Villani, Cathy Villani, Tim Menifield, Stephanie Scott and Jessica Bretzlaff.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Evelyn Flores.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Dollie McPartlin and Lucy Peres.

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

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Jeanette Snapp.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Dinah Jordan.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Helga Brown.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Donna Clontz.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Terri Clark.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Jan Gilbert and Melissa Kent.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Carmen Ortiz.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Judy Reich.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Diana Rhodes and Ellen Spiegel.

Senator Raggio moved that the Senate adjourn until Tuesday, March 13, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 11:59 a.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate