

**THE ELEVENTH DAY**

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CARSON CITY (Thursday), February 15, 2007

Senate called to order at 11:04 a.m.

President Krolicki presiding.

Roll called.

All present except Senators Coffin and Washington, who were excused.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, my God, You have taught us that it is more blessed to give than to receive and that greatness is to be found in serving rather than being served. Bless these Senators for the service that they give to this great State of Nevada, and bless their efforts this day.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio 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 and Labor, to which was referred Senate Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDOLPH J. TOWNSEND, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 44, 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Lee, Hardy, Heck, Beers, Cegavske, Care, Coffin, McGinness, Woodhouse; Assemblymen Anderson, Parks, Gansert, Allen, Mortenson, Beers, Bobzien, Christensen, Claborn, Denis, Goicoechea, Grady, Hardy, Koivisto, Manendo, Marvel, Ohrenschall, Settlemeyer and Stewart:

Senate Bill No. 92—AN ACT relating to firearms; revising the applicability of certain provisions pertaining to the regulation of firearms by local governments; 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 Hardy, Townsend, Heck, Lee and Titus:

Senate Bill No. 93—AN ACT relating to crimes against property; revising the provisions governing the crime of grand larceny of a motor vehicle; revising the provisions governing an offense involving a stolen vehicle; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 94—AN ACT relating to taxation; increasing the occupancy tax imposed on lodging within Tahoe Township in Douglas County; authorizing an increase in the occupancy tax on lodging within the other portions of Douglas County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 95—AN ACT relating to public utilities; removing certain entities from regulation as public utilities; eliminating the requirement that the Public Utilities Commission of Nevada conduct a hearing before ordering certain changes relating to railroad crossings; eliminating the requirement that the Commission convene a hearing not later than 60 days after a plan to increase the supply of electricity or decrease the demand for electricity is filed with the Commission; exempting certain electric generating plants from provisions governing the construction of utility facilities; 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 Beers, Cegavske, Heck; Assemblymen Beers and Goedhart:

Senate Bill No. 96—AN ACT relating to taxation; reducing the rate of the basic governmental services tax; revising the distribution of the proceeds of the tax; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Beers, Cegavske, Amodei, Hardy, Heck, McGinness, Nolan, Rhoads, Townsend, Washington; Assemblymen Beers, Goedhart and Settlemeyer:

Senate Bill No. 97—AN ACT relating to educational personnel; prohibiting a board of trustees of a school district from entering into contracts with certain administrators for the payment of salaries that are more than one and one-half times the salary paid to the principal who receives the highest salary in the school district; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 98—AN ACT relating to pharmacy; abolishing the State Board of Pharmacy; transferring its powers and duties to the Board of Medical Examiners; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 99—AN ACT relating to industrial insurance; providing that an employee of a contractor or subcontractor who is covered under a consolidated insurance program that is established and administered by the owner or principal contractor of certain construction projects is an employee of the contractor or subcontractor for the purpose of determining the loss experience of the contractor or subcontractor and shall not be deemed an employee of the owner or principal contractor for the purpose of determining the loss experience of the owner or principal contractor; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Carlton:

Senate Bill No. 100—AN ACT relating to industrial insurance; requiring an insurer or third-party administrator who pays workers' compensation to an employee or a dependent of an employee to deposit the compensation directly into the account of the employee or dependent under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 34.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Nolan moved that Senate Bill No. 39 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Nolan.

Motion carried.

## REMARKS FROM THE FLOOR

Senator Raggio requested that his disclosure statement be entered in the Journal.

Pursuant to the provisions of NRS 281.501, the undersigned legislator, files with the Director of the Legislative Counsel Bureau (LCB) the following disclosure:

William J. Raggio is an attorney, duly licensed in the State of Nevada, and is a shareholder in the law firm of Jones-Vargas, with offices in Reno and Las Vegas, which firm represents clients who may have pecuniary interests in matters to be considered in this Legislative Session, and members of that firm, including, but not limited to the following: John P. Sande III, Joseph W. Brown, Anthony Sanchez, Michael Alonso, Michael Buckley, James Wadhams and Jesse Wadhams, may appear as registered lobbyists. All such individuals are duly registered in the LCB's list of lobbyists, including names of clients being represented, which list is by reference incorporated in this Disclosure Statement.

In addition, William J. Raggio serves as a member of the Board of Directors of Archon Corporation, a publicly traded company, which among other interests, owns and operates a licensed gaming facility in Laughlin, Nevada. The undersigned retired in May 2006 as a member of the Board of Directors of Sierra Health Services, a publicly traded company, and has been designated a Director Emeritus, an honorary position without vote or compensation, other than for certain health care benefits and limited travel expenses for attendance at one annual meeting.

The undersigned also serves as a member of two non-profit entities: the Board of Trustees of E.L. Wiegand Foundation and as a Chairman of the Board of the Washoe County Education Foundation, Inc., which assists in raising funds for the purpose of the WCSD which are not otherwise funded.

The undersigned has made the prerequisite oral disclosure of this statement during the Senate floor session of February 15, 2007, and will make similar oral disclosures of this statement in all of the committee meetings in which I am an assigned member on or prior to February 20, 2007.

WILLIAM J. RAGGIO  
State Senator  
Washoe District 3

Senator Care requested that his letter to the Director of the Legislative Counsel Bureau be entered in the Journal.

February, 15, 2007

LORNE MALKIEWICH, *Director*  
Legislative Counsel Bureau  
Carson City, Nevada 89701  
DEAR LORNE:

In accordance with subsection 6 of NRS 281.501, I hereby submit the following regarding any and all potential conflicts this 74th Legislative Session.

I am a partner with the law firm of McDonald Carano Wilson LLP (the "firm"), which has offices in Las Vegas and Reno. Employees of the firm, James T. Endres and Kathleen A. Conaboy, have registered with the Legislative Counsel Bureau as paid lobbyists, and they in turn have disclosed their clients. I must presume they will testify for or against, and lobby for or against legislation. It is even possible that other attorneys affiliated with the firm will testify on legislation.

I have no pecuniary interest as a partner of the firm in the outcome of any 2007 legislation. Still, I will be watchful for bills, resolutions and amendments upon which employees and/or attorneys from the firm may testify.

I made the prerequisite oral disclosure of this statement during the floor session of the full Senate on February 15, 2007.

Therefore, I ask that you retain a copy of this disclosure as a public record and make it available for public inspection in accordance with the provisions of subsection 6 of NRS 281.501. I understand that once I have filed this written statement with you, I am not required to disclose orally my interest when the matter is further considered by the Legislature or a committee thereof. While I need not repeat this disclosure, I will consider each such matter

individually to determine whether I am statutorily required to abstain from acting on the matter and will act accordingly.

Sincerely,  
TERRY CARE  
*Nevada State Senator*

Senator Amodei requested that his letter to the Director of the Legislative Counsel Bureau be entered in the Journal.

February, 15, 2007

LORNE MALKIEWICH, *Director*  
Legislative Counsel Bureau  
Carson City, Nevada 89701

DEAR LORNE:

In accordance with Nevada Revised Statutes (NRS) 281.501(6), I am with this correspondence submitting the following written statement of disclosure regarding my employment in a law firm:

I am a partner in the law firm of Kummer Kaempfer Bonner Renshaw & Ferrario (hereinafter KKBR&F), which has offices in Las Vegas, Summerlin, Reno and Carson City. Several members of this firm are registered paid lobbyists who will appear before committees in both the Assembly and Senate during the 2007 Session of the Nevada Legislature. Further, these firm members will be engaged in all lawful activities of registered paid lobbyists during the 2007 Legislative Session.

All members of KKBR&F are registered as paid lobbyists in accordance with Nevada law and the registration information on file with your office as contained in the LCB's list of lobbyists for this Session, including their names and their client's names, is incorporated herein by this reference. It is my understanding that the referenced list is a public document and is freely distributed and available in hard copy and via electronic medium. The members of KKBR&F who are registered lobbyists include Mark Fiorentino, Robert Crowell, Steven Tackes, John Griffin, Kathleen Drakulich, Jennifer Lazovich, Maddie Gugino, Russell Rowe, L. Erin Russell, Michael Phillips and John Pappageorge. I have no pecuniary interest as a member of KKBR&F in the passage or failure of any legislation during the 2007 Session. If that circumstance changes, I will amend this disclosure immediately and prior to any vote or hearing which may involve such a circumstance.

I have received the requested LCB and private counsel opinions, under date of February 5, 2007, and February 13, 2007, and same are attached hereto and incorporated herein by this reference as Exhibits "A" and "B", respectively. I concur with the contents of said opinions and it is my intent, through the generation of this correspondence, to both disclose the relevant circumstances of my full-time employment, and acknowledge my duty to abstain from voting when required by Chapter 281 of NRS. I have made the prerequisite oral disclosure of this statement during the Senate floor session on February 14, 2007. Further, I will make similar oral disclosures of this statement in all of the committee meetings which I am an assigned member on or prior to February 15, 2007.

Accordingly, I hereby formally request that you retain a copy of this disclosure as a public record and make it available for public inspection in accordance with the provisions of subsection 6 of NRS 281.501. I understand that by filing this statement with you, in the statutorily prescribed manner, I am not required to repeat the contents hereof on a continuing basis, but will accept the responsibility of amending this disclosure immediately if any facts or circumstances change during the 2007 Session. While I will not repeat the contents hereof, I will consider each such matter that comes before me in committee or on the floor of the Senate to determine whether I am statutorily required to abstain from acting on the matter, and will conduct myself in accordance with all applicable statutes and existing guidance.

Sincerely,  
MARK E. AMODEI  
*Nevada State Senator and  
President pro Tempore*

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

I would like to disclose I am a professor of political science at the University of Nevada at Las Vegas and my husband is a professor of Latin American History at the University of Nevada, Las Vegas.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Virginia Ridgway and James Eason.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Reno Mayor Bob Cashell and Sparks Mayor Gino Martini.

Senator Raggio moved that the Senate adjourn until Monday, February 19, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 11:32 a.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*