

THE FIFTEENTH DAY

CARSON CITY (Monday), February 19, 2007

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

President Krolicki presiding.

Roll called.

All present except Senator Nolan, who was excused.

Prayer by the Chaplain, Pastor Don Baumann.

You urge us to pray for those who are in positions of authority so we come before You on behalf of each member of the Nevada State Senate and that You would work through them today to accomplish what is best for the people of this State.

All wise God, You promise wisdom to those who ask and trust in You, and we ask for Your wisdom for these Senators as they consider issues of great importance to the people of this State.

Gracious God, may each Senator be keenly aware of his or her need of You.

As we observe Presidents' Day, today, we remember our leaders, particularly, Presidents Washington and Lincoln, who publicly acknowledged their dependence upon You and their need for You in the direction of this Country.

In the same manner, we ask that You would give these Senators the strength, the wisdom, the courage and the humility they need to face the tasks before them today. We ask this in the Name of our Lord, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

REMARKS FROM THE FLOOR

President Krolicki requested that his remarks be entered in the Journal.

It is my pleasure to announce that *God Bless America* will be presented by Miss Nevada, Cayde Cole.

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 Transportation and Homeland Security, to which was referred Senate Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Grady, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 5—Memorializing native Nevadan and longtime patriarch of the Comstock, Donald G. McBride.

WHEREAS, On April 20, 2006, the residents of Virginia City said good-bye to Don McBride, owner of the Bucket of Blood Saloon and avid Comstock preservationist; and

WHEREAS, Donald Giles McBride was born on February 1, 1928, in Winnemucca to Versal and Marie McBride; and

WHEREAS, When Don was 3 years old, the McBride family moved to Virginia City which became their home and purchased the property now known as the Bucket of Blood Saloon which became their livelihood; and

WHEREAS, Don had the utterly unique experience of growing up in one of the greatest authentic old mining towns, attending the Fourth Ward School and graduating from Virginia City High School in 1946; and

WHEREAS, Virginia City was the place of choice for Don and his wife Jeannie to raise their sons Steve, Marshall and Don while carrying on the legacy and business of the Bucket of Blood; and

WHEREAS, With dedication, devotion and enthusiasm, Don worked tirelessly to promote Virginia City and the Comstock by organizing events like Bonanza Days, the Camel Races and the Mountain Oyster Fry; and

WHEREAS, A penchant for public service being Don's forte and joy, he served as President of the Virginia City Chamber of Commerce, President of the Businessmen's Association, a Commissioner on the Comstock Historic District Commission, a board member of Piper's Opera House, and a member of the Fraternal Order of Eagles Aerie 523 and of the Julia Bulette Chapter of E. Clampus Vitus; and

WHEREAS, Don loved to hold forth at the Bucket of Blood, with a bowl of popcorn always ready for munching, sharing the history of Virginia City and Nevada with visitors from near and far; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 74th Session of the Nevada Legislature do hereby extend their heartfelt condolences to the family of Don McBride, a man who was instrumental in turning Virginia City from a dying mining town to one of Nevada's premier tourist attractions; and be it further

RESOLVED, That Don McBride will be remembered by all who knew him as a wholehearted believer in the Comstock, its residents and its future, and as a man deeply proud to call Virginia City his home; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Don's sons Steve, Marshall and Don.

Senator Amodei moved the adoption of the resolution.

Remarks by Senator Amodei.

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

Thank you, Mr. President. This resolution honors someone who was the fabric of his community and his region. Don McBride's accomplishments were many and community minded. Whenever I was in Virginia City, before my time in public life and since, I would see Don on patrol. He was the unofficial Sheriff's patrol around town. A person could not sneak into town without Don knowing that person was there. I ask your support and vote for Senate Concurrent Resolution No. 5 honoring Don McBride.

Resolution adopted.

Senator Amodei moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 5 be immediately transmitted to the Assembly.

Motion carried unanimously.

Senator Cegavske has approved the addition of Senator Mathews as a sponsor to Senate Bill No. 5.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Mathews and Washington:

Senate Bill No. 101—AN ACT relating to the City of Sparks; authorizing the City Council to employ Special Counsel; revising certain provisions governing the qualifications of members of the Civil Service Commission; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Townsend:

Senate Bill No. 102—AN ACT relating to state business licenses; revising the period for which a fee must be paid for such a license; requiring a person who has been issued such a license to report to the Department of Taxation quarterly the number of employees of the business; requiring the Department to post such information with respect to each business on an Internet website maintained by the Department; providing that such information is not confidential and privileged; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Care:

Senate Bill No. 103—AN ACT relating to unclaimed property; adopting the Uniform Unclaimed Property Act; repealing conflicting provisions of the existing Uniform Disposition of Unclaimed Property Act; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 104—AN ACT relating to the Legislature; revising provisions relating to the effective dates of certain laws and joint resolutions; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Townsend:

Senate Bill No. 105—AN ACT relating to motor vehicle products; requiring the State Board of Agriculture to adopt by regulation certain specifications for motor vehicle fuel; and providing other matters properly relating thereto.

Senator Townsend moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 106—AN ACT relating to homeland security; prescribing the persons authorized to inspect certain confidential or restricted documents relating to potential acts of terrorism; extending the prospective expiration date of the provisions relating to such confidential and restricted documents; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Washington:

Senate Bill No. 107—AN ACT relating to transportation; abolishing the Transportation Services Authority and transferring the duties and responsibilities; authorizing certain local governmental entities to assume regulatory authority over taxicabs and limousines based within the jurisdiction of the governmental entity; establishing the Consumer Affairs Division Regulatory Fund and the Nevada Highway Patrol Regulatory Fund; eliminating the Transportation Services Authority Regulatory Fund; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Beers:

Senate Bill No. 108—AN ACT relating to the state budget process; providing for the use of zero-based budgeting in preparing the proposed budgets of a certain portion of the Executive Department of State Government each biennium; requiring the Chief of the Budget Division of the Department of Administration to adopt certain regulations to carry out zero-based budgeting; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Beers:

Senate Bill No. 109—AN ACT relating to education; eliminating the requirement that certain applicants for the millennium scholarship maintain a certain high school grade point average for receipt of the scholarship; requiring certain applicants to receive at least the statewide average score on certain college entrance examinations; 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 Beers; Assemblymen Gansert, Beers, Denis, Goedhart, Settlemeyer and Stewart:

Senate Bill No. 110—AN ACT relating to education; restricting the number of examinations that may be administered by the boards of trustees of school districts and the governing bodies of charter schools in each school year; excluding from the restrictions the examinations required by federal law and certain other examinations and assessments; 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 McGinness:

Senate Bill No. 111—AN ACT relating to public utilities; clarifying the applicability of certain provisions to cooperative associations or nonprofit corporations or associations and other suppliers of utility services that provide utility services only to their own members; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse:

Senate Bill No. 112—AN ACT relating to controlled substances; requiring entities that sell certain products that are precursors to methamphetamine to place such products in an area to which the public does not have direct access, to limit the quantity of such products sold or transferred to the same person during any 24-hour period, to maintain a list of sales of such products and to ensure that certain information is entered in that list; prohibiting a person from acquiring more than a certain amount of certain products that are precursors to methamphetamine; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Coffin, Carlton, Horsford, Lee, Mathews, Raggio, Rhoads, Schneider, Titus, Townsend, Wiener, Woodhouse; Assemblymen Parks, Horne, Bobzien, Hogan and Marvel (by request):

Senate Bill No. 113—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for annual screenings for prostate cancer in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Coffin and Woodhouse (by request):

Senate Bill No. 114—AN ACT relating to energy; providing that a system that involves drawing or creating electricity from tires is a renewable energy system for purposes of the portfolio standard, as established by the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Coffin:

Senate Bill No. 115—AN ACT relating to education; providing that a parent of a pupil with a disability retains certain rights under the Individuals with Disabilities Education Act under certain circumstances even when the pupil attains the age of 18 years; providing a parent of a pupil with a disability the option to transfer those rights to the pupil when the pupil attains the age of 18 years; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Coffin, Care, Titus, Carlton, Horsford, Lee, Mathews, Wiener, Woodhouse; Assemblymen Bobzien, McClain and Womack:

Senate Bill No. 116—AN ACT relating to state financial administration; providing for the payment of a bonus to certain members of the Nevada National Guard or the Reserves who are called to active duty in the Armed Forces of the United States after September 11, 2001, to serve in military expeditions or operations to combat terrorism; establishing the criteria for calculating the amount of the bonus; and providing other matters properly relating thereto.

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

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 19, 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. 4.

SUSAN FURLONG REIL
Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4—Designating February 19, 2007, as Homeless Awareness Day in Nevada.

WHEREAS, On January 10, 2007, the National Alliance to End Homelessness issued a report ranking Nevada as having the second highest percentage per capita of homeless persons, with more than double the national average; and

WHEREAS, According to the report, an estimated 744,313 people experienced homelessness nationally, including 16,402 people in Nevada; and

WHEREAS, These figures do not take into account those persons who are on the edge of homelessness, living paycheck to paycheck, one step away from becoming homeless; and

WHEREAS, There are many reasons for homelessness, including, without limitation, unemployment, low wages, lack of affordable housing, lack of health insurance, domestic violence, and substance abuse and mental health issues; and

WHEREAS, One of the fastest growing segments of the homeless population in this country consists of families with children; and

WHEREAS, Homelessness disrupts every aspect of family life, adversely affecting physical and mental health, interfering with education and childhood development, and often resulting in the separation of family members; and

WHEREAS, Strategies for fighting homelessness that have shown positive results include the appropriation of money to provide assistance to homeless persons and the establishment of programs that focus on permanent housing and services to help the chronically homeless lead more stable lives; and

WHEREAS, To raise awareness of the issues faced by homeless persons in Nevada, including the need for transitional housing and mental health assistance, some Nevada Legislators and various other concerned citizens slept in a "Tent City" outside of the Legislative Building on February 18, 2007; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the numerous state and local governmental agencies and various nonprofit entities dedicated to fighting homelessness in the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That February 19, 2007, is hereby designated as Homeless Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homelessness in Nevada and resolve to continue to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Michael Dayton, Chief of Staff to Governor Jim Gibbons.

Senator Titus moved the adoption of the resolution.

Remarks by Senators Titus and Horsford.

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

SENATOR TITUS:

With exception of those who spent the night on the front lawn in the cold and have joined us this morning from the tent city, the rest of us came to the Legislature after having spent the night

in a warm bed and a warm home. No one here is homeless, and that is why we need to take a moment to recognize the problems of homelessness and how it affects our State.

Certainly, the statistics are staggering. There are between 2.3 and 3.5 million people per year who experience homelessness in this wonderful, wealthy Country. Of those, 44 percent are always unsheltered because they do not have a traditional home. It is stated that 23 percent of homeless people have a physical disability, mental illness or suffer from substance abuse. Unfortunately, Nevada is at the top of the list in this Country with the second highest percentage of homeless individuals per 100,000 of the population. Only our Nation's capital, Washington D.C. is ahead of us. Over 19,000 people in Nevada are homeless. There are approximately 13,000 homeless in the Las Vegas area, 2,500 in the Reno Sparks area and 3,500 throughout the rest of the State. Even more striking, especially in the context of having heard this information this morning in the Committee on Finance, so many of these homeless are children. Fifteen percent of Nevada's children live in poverty. This is unacceptable. We need to address this issue. We are appreciative of this resolution and legislation being introduced in the Assembly today. I urge your support of Assembly Concurrent Resolution No. 4.

SENATOR HORSFORD:

Thank you, Mr. President. I, too, rise in support of Assembly Concurrent Resolution No. 4.

I wish to commend the individuals who braved the cold last night. When I was first asked to participate, I did not think of the consequences of sleeping outside in the cold. As many of you know, the temperature outside last night was freezing. It rained and snowed. As I started to learn more about the issues of homelessness, I realized I had not considered myself homeless as a child. Children are adversely affected by homelessness. There are people who live paycheck to paycheck, and many of the children in these families are living in homeless conditions because of this. These children do not recognize they are homeless. In the middle of last night I was struck by the thought that as the raindrops were falling on the tent, a luxury many homeless do not have, it was so cold I could not imagine a child living in such conditions. I applaud the organizers of the event, those who are bringing awareness to homelessness, this legislative body and the Legislature itself, for standing ready and able to secure Nevada's future, that of our children and those who live under these conditions. I thank this body for its support last session and, hopefully, again this Session.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 44.

Bill read second time and ordered to third reading.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bills Nos. 34, 39 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to Marshall McBride, Steve McBride, Don McBride, Caron Ingalls, Jed Ingalls and Diana Higman.

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

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Miss University of Nevada Meghan Madrigan.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Miss Reno-Sparks Rosalie Nuñez and Laura Stone.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Miss Nevada Cayde Cole; Shawn Griffin and Michael Stoops.

Senator Raggio moved that the Senate adjourn until Tuesday, February 20, 2007, at 11 a.m. and that it do so in recognition of Presidents' Day.

Motion carried.

Senate adjourned at 11:47 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate