

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 1, 2007

Senate called to order at 11:01 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Luke 12:27-28: "Consider the lilies, how they grow; they neither toil nor spin, and yet I say to you, even Solomon in all his glory was not arrayed like one of these. If then God so clothes the grass, which today is in the field and tomorrow is thrown into the oven, how much more will he clothe you, oh you of little faith?"

Gracious Lord, clothe us with wisdom and knowledge from upon high that we might be arrayed with Your understanding as to glorify Thee.

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. 111, 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 Government Affairs, to which were referred Senate Bills Nos. 56, 83, 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 47, 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEAN A. RHOADS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Mabey, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson,

Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 7—Commending Dr. Emil Frei III for his advancements in the practice of medicine and the treatment of cancer.

WHEREAS, As one of the world's leading oncologists, a pioneer of chemotherapy and a leader in medical research, clinical practice and education, Dr. Emil Frei III has touched the lives of tens of thousands of persons during his more than 50 years of dedicated service in the field of medicine; and

WHEREAS, A native of St. Louis, Missouri, Emil Frei's distinguished career in medicine began in 1948 when he graduated from Yale Medical School, after participating in the V-12 Navy College Training Program, and prior to that he served in World War II and then in Korea from 1950 to 1952 as a commissioned officer in the Navy Medical Corps; and

WHEREAS, Dr. Frei's career in medicine included positions at the National Cancer Institute, where within a year he became Chief of the Leukemia Section and later became Chief of Medicine, the University of Texas M.D. Anderson Cancer Center, where he served as Associate Scientific Director, and the Dana-Farber Cancer Institute where he was Director and Physician-in-Chief and remains Physician-in-Chief, Emeritus; and

WHEREAS, Dr. Frei revolutionized chemotherapy and advanced the treatment of cancer worldwide with the use of combination chemotherapy, leading to the first complete cure for childhood leukemia, and demonstrating that a cure could be achieved for Hodgkin's disease as well; and

WHEREAS, As a leader in medical education, Dr. Frei directed the education of over 300 oncologists, many of whom have become today's top leaders and researchers, has lectured to thousands and has authored or coauthored over 500 research publications; and

WHEREAS, While the recipient of numerous awards during his career, including the Albert Lasker Clinical Medical Research Award in 1972 and the Charles F. Kettering Prize from the General Motors Cancer Research Foundation in 1983, Dr. Frei was honored to receive the inaugural American Association of Cancer Research Lifetime Achievement Award in 2004 for his role in the development of the first treatment leading to a complete cure for childhood leukemia; and

WHEREAS, Dr. Frei continues to share his expertise by lecturing, writing and providing consulting services in oncology to biotechnology and pharmaceutical companies involved in the development of cancer therapeutics and diagnostics for clinical use; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Nevada Legislature hereby commends Dr. Emil Frei III for his accomplishments, achievements and dedicated service in the field of cancer research and for his unwavering devotion, compassionate care and true dedication to cancer patients; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dr. Emil Frei III.

Senator Cegavske moved the adoption of the resolution.

Remarks by Senator Cegavske.

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

Mr. President, I am honored to introduce this resolution honoring Dr. Emil Frei III. With your indulgence, I would like to share a little about this remarkable man with you.

Dr. Frei was born into a family of artists. He was expected to join the family business, a stained-glass company in St. Louis, but young Emil, or Tom, as he is known by everyone, was drawn to science in his early teens after reading a book called *Rats, Lice and History*. He briefly studied art at Washington University but soon found medicine was his true calling. Dr. Frei received his medical degree from Yale in 1948.

As an officer in the United States Navy Medical Corps from 1950-1952, Dr. Frei served in the Korean Theater. In 1972, while working at the National Cancer Institute, Dr. Frei was recruited to the Dana-Farber Cancer Institute/Harvard Medical Center in Boston. He became its Director, a position he held for nearly 20 years. While at Dana-Farber, Dr. Frei teamed with Dr. Emil

Freireich, and the pair developed a revolutionary approach to treating childhood Leukemia using combinations of chemotherapy drugs. The treatment soon gained international acceptance and is viewed as the single most important advance in the past quarter century in saving the lives of cancer patients. In 1965, the cure rate for childhood leukemia patients was 0 percent. Today, it is 80 percent.

This resolution honors a man whose life work served mankind for over 50 years. He is a dedicated and compassionate physician in the field of oncology but also a man known for his irrepressible sense of humor and delight in silly jokes and his love and devotion to his family as a beloved husband, father and grandfather.

Las Vegas became home to Dr. Frei in 2004. The citizens of Nevada are enriched by his presence, his caring and his devotion.

Dr. Frei wanted to be here, today, but the Leukemia and Lymphoma Society is honoring him with a reception tomorrow night at the Four Seasons Hotel in Las Vegas and a symposium on Saturday. Dr. Frei is 83 years old and has Parkinson's' Disease. He felt the trip to Carson City would be too much for him. However, he is very honored to receive this recognition.

I ask your support and passage of Senate Concurrent Resolution No. 7, honoring the lifetime commitment, dedication and inspiration of Dr. Emil Frei III.

Resolution adopted.

Senator Cegavske moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 7 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 182—AN ACT making a supplemental appropriation to the Department of Education, other state education programs, to fund the Counselor National Board Certification Program; 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. 183—AN ACT relating to the Public Employees' Retirement System; revising certain provisions governing administrative positions; 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. 184—AN ACT relating to education; revising provisions governing the statewide system of accountability for public schools and school districts; revising provisions governing the Commission on Educational Technology; prescribing the credits required in certain courses of study for a pupil to receive a standard high school diploma; revising provisions governing the adoption of academic standards; revising provisions

governing promotion to high school; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 185—AN ACT relating to education; revising provisions governing the award of grants from the Account for Programs for Innovation and the Prevention of Remediation by the Commission on Educational Excellence; requiring the Commission to report certain information concerning allocations from the Account; revising provisions governing the use of money in the Account; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 186—AN ACT making an appropriation to the Office of the Governor to purchase replacement computer hardware and software and to purchase office furniture and machines; 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. 187—AN ACT making a supplemental appropriation to the Nevada Highway Patrol Division of the Department of Public Safety to pay the increased costs of vehicle operation; 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. 188—AN ACT making a supplemental appropriation to the Adjutant General of the Office of the Military to cover utility costs for the State's armories; 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. 189—AN ACT making an appropriation to the Department of Wildlife for the implementation of sagebrush habitat projects; 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. 190—AN ACT making an appropriation to the Department of Corrections to provide modular housing units; 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. 191—AN ACT making an appropriation to the Office of the Attorney General to purchase computer hardware and software and projectors; 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. 192—AN ACT making an appropriation to the Nevada System of Higher Education to fund the integration of computing resources; 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. 193—AN ACT making appropriations to the State Public Works Board to provide early funding for capital improvement projects at Ely State Prison and the Grant Sawyer Office Building; 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. 194—AN ACT making an appropriation to the City of North Las Vegas for the restoration of historic Kiel Ranch; 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 Human Resources and Education:

Senate Bill No. 195—AN ACT relating to recreation areas; prohibiting a person who uses a recreation area from engaging in certain conduct; requiring such a person to follow certain safety requirements; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 196—AN ACT relating to the Department of Cultural Affairs; limiting the total face amount of bonds that the Commission for Cultural Affairs may issue annually to provide financial assistance for the preservation and promotion of cultural resources; exempting artifacts donated to the Department from the procedures otherwise applicable to state agencies for the acceptance of gifts or grants of property or services; changing the name of the Nevada State Museum and Historical Society; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Wiener, Titus, Care, Coffin, Lee, McGinness, Nolan, Schneider, Woodhouse; Assemblymen Leslie, Buckley, Horne, McClain, Oceguera, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Claborn, Conklin, Denis, Gerhardt, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Segerblom and Smith:

Senate Bill No. 197—AN ACT relating to the State Board of Pharmacy; requiring the Board to compile and make available to consumers certain information relating to pharmacies and the prices of commonly prescribed prescription drugs; making an appropriation; providing an administrative penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 198—AN ACT relating to lease-purchase agreements; amending the Charter of the City of Las Vegas to authorize the City Council to enter into lease and lease-purchase agreements for the construction or remodeling of a building or facility; removing restrictions on the ability of

the Nevada System of Higher Education to enter into lease-purchase agreements; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 199—AN ACT relating to public works; making various changes to requirements for a public work involving the construction of a traffic-control signal; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 200—AN ACT relating to redevelopment; extending the duration of certain redevelopment plans; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 201—AN ACT relating to public works; authorizing a public body to contract with a construction manager at risk for the preconstruction and construction of a public work; setting forth the method for selecting a construction manager at risk; authorizing a public body to hire a construction manager as agent to assist the public body in overseeing the construction of a public work; requiring local governments to conduct a constructability review under certain circumstances before constructing certain public works; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 70.

Bill read second time and ordered to third reading.

Senate Bill No. 140.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 10.

Bill read third time.

Remarks by Senators Carlton and Care.

Roll call on Senate Bill No. 10:

YEAS—19.

NAYS—Carlton.

EXCUSED—Horsford.

Senate Bill No. 10 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 57.

Bill read third time.

Remarks by Senators Amodei, Coffin and Wiener.

Roll call on Senate Bill No. 57:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 57 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 64.

Bill read third time.

Remarks by Senators Titus and Washington.

Roll call on Senate Bill No. 64:

YEAS—15.

NAYS—Care, Carlton, Coffin, Mathews, Titus—5.

EXCUSED—Horsford.

Senate Bill No. 64 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 65.

Bill read third time.

Remarks by Senators Townsend, Washington, Titus and Raggio.

Roll call on Senate Bill No. 65:

YEAS—16.

NAYS—Carlton, Coffin, Mathews, Titus—4.

EXCUSED—Horsford.

Senate Bill No. 65 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 88.

Bill read third time.

Roll call on Senate Bill No. 88:

YEAS—20.

NAYS—None.

EXCUSED—Horsford.

Senate Bill No. 88 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 11:42 a.m.

Motion carried.

SENATE IN SESSION

At 11:48

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Senate Standing Rule No. 50 be suspended which requires a one-day notice to withdraw Senate Bill No. 158 from the Committee on Finance.

Motion carried.

Senator Washington moved that Senate Bill No. 158 be withdrawn from the Committee on Finance and rereferred to the Committee on Human Resources and Education.

Remarks by Senator Raggio.

Motion carried.

REMARKS FROM THE FLOOR

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

Thank you. How appropriate we honor rural hospitals on the floor because of their commitment to health and wellness. Today, you have another opportunity to register for the Nevada 110 Challenge. You can register from 7 a.m. to 2 p.m. in Room 3161 and from 2:00 to 6:00 p.m. in Room 3100. If you cannot register in person, you may send someone to register on your behalf. Registration is free and all you need to provide is your e-mail address. Tomorrow is the last day to register. Registration will be open from 7:00 a.m. to 4:00 p.m. in Room 3100.

In the spirit of the Nevada 110 Challenge, I would like to leave you with three helpful pieces of information:

1. Most people feel that they have to go to the gym for an hour or more in order to get a good workout. In reality, you can perform your exercise anywhere in small bursts throughout the day. For example, you can burn anywhere from 45 to 60 calories by taking a brisk 10-minute walk around the Legislative Building. This alone would reward you with a one to one and one-half pound weight reduction by the end of Session.

2. Did you know that laughing can increase your blood flow? Fifteen minutes of daily laughter is a recommended minimum. Something we all want to remember as the Session progresses.

3. Choose something you like to do. I encourage you to select activities that you enjoy and that are comfortable for you. You will be inclined to do them more often.

Again, you can register as an individual or as the member of a team for the Nevada 110 Challenge today and tomorrow upstairs on the third floor. Thank You.

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 Joan Hall and Judy Price.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Sarah A. Padilla.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Charlie Myers and to the following students, chaperones and teacher from the Logos Christian Academy: Levi Taylor, Katie Ruth Taylor, Alicia Baze, Marshall Covertson, Clay Davison, Amanda Gallop, Sam Goings, Heather Hancock, Shylah Howard, Zaria Landis, Jessica Little, Brandon Phillips, Lorna Martinez, Nathan Narag, Cheyenne Sweeney, Tim Syriac, Jes Tews; chaperones: Karina Madraso, Trina Taylor, Linda Tews, Candy Davison, Angie Phillips, Jennifer Gallop; and teacher: Kathy Madraso.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Peggy Lindsey and Matt Rees.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Robin Keith.

On request of President Krolicki, the privilege of the floor of the Senate Chamber for this day was extended to Todd Plimpton.

Senator Raggio moved that the Senate adjourn until Monday, March 5, 2007, at 11 a.m. and that it do so in recognition of the birth of Ella Grace Horsford, daughter of Senator and Mrs. Steven A. Horsford.

Motion carried.

Senate adjourned at 11:55 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate