

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 6, 2007

Senate called to order at 11:05 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Lee, who was excused.

Prayer by the Chaplain, Reverend Bruce Kochsmeier.

Gracious God, this morning we need to know You and to be known by You. We need to pray not just as a start to our day and our work but throughout every moment and decision.

We need the wisdom You will provide when we stop to let our every thought be taken captive by Your presence and by the direction of Your Holy Spirit.

Lord God, every person in this building has been charged with a huge responsibility to serve and lead Your people. Bless each of them with Your peace. Fill them with a sense of being chosen and equipped by You to serve the needs of our State of Nevada that are dramatically expanding all the time.

Let us be grateful for this day and all You have given us to do in it for Your glory. Let us complete our tasks with the realization that in Your perfect plan we have done something that allows Your will to be done here in this place and time.

We joyfully submit ourselves to You for Your purpose with grateful humility.

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 Transportation and Homeland Security, to which was referred Senate Bill No. 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 5, 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. 47, 66, 110.

SUSAN FURLONG REIL
Chief Clerk of the Assembly

COMMUNICATIONS
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

March 2, 2007

THE HONORABLE WILLIAM RAGGIO, *Senate Majority Leader*, State of Nevada Senate,
Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR RAGGIO:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Thursday, April 5, 2007. I look forward to sharing with you and your colleagues information pertaining to some of the important matters that the United States Congress will address in the next two years.

Thank you in advance for your consideration of my request and I wish you all the best for a productive session.

Sincerely,
JON C. PORTER
Member of Congress

March 1, 2007

THE HONORABLE WILLIAM RAGGIO, *Senate Majority Leader*, State of Nevada Senate,
Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR RAGGIO:

I respectfully request to address the full body of the Nevada Legislature on Tuesday, April 3, 2007, at 5 p.m. Should you have questions or concerns, please call my office at 775-686-5760. Thank you so much for your consideration in this matter.

Sincerely,
DEAN HELLER
Member of Congress

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

Monday, March 5, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 68, 90, 96, 158, 160, 170, 184, 197.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, Woodhouse; Assemblymen Parnell, 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, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 9—Urging the public schools and school districts in this State to preserve and strive to expand the amount of time allocated for physical education, physical activity and recess.

WHEREAS, Nationally, approximately 16 percent of children between the ages of 6 and 19 years old are overweight, leading to an increased risk for heart disease, high cholesterol, high blood pressure and type 2 diabetes, and a 70 percent chance of becoming overweight or obese as adults; and

WHEREAS, The Surgeon General of the United States has stressed the importance of quality physical education for at least 60 minutes daily for all grade levels; and

WHEREAS, Recent findings indicate that both proper nutrition and regular, vigorous physical activity improve academic achievement and that quality physical education classes promote the health, psychological well-being and healthy body weight of children, which positively influences both academic learning and physical activity patterns of children; and

WHEREAS, The State Board of Education should be commended for its efforts in promoting healthy habits and establishing the Statewide School Wellness Policy that, beginning with the 2006-2007 school year, requires all school districts to designate at least 30 minutes each school day for physical activity; and

WHEREAS, The Nevada Healthier Schools Project, conceived by Nevada Action for Healthy Kids, offers support, training and resources to public schools in this State in successfully implementing the Statewide School Wellness Policy; 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 hereby recognize the need to include physical education, physical activity and recess in public schools; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature hereby urge each public school and each school district in this State to:

1. Abide by the requirements set forth in the Statewide School Wellness Policy and seek the services and support of the Nevada Healthier Schools Project in carrying out the Policy;
2. Ensure that the current amount of time allocated for physical education, physical activity and recess is not reduced and strive to expand the amount of time allocated each school day for physical education, physical activity and recess; and
3. Engage creative measures to provide additional opportunities for physical activity each school day with the goal of ensuring that pupils do not spend more than 90 minutes at any given time sitting sedentary; and be it further

RESOLVED, That the Secretary of the Senate prepare copies of this resolution for transmission by the Legislature to the Superintendent of Public Instruction, each superintendent of a school district in Nevada, the president of the board of trustees of each school district and the coordinator of the wellness program of each school district.

Senator Wiener moved the adoption of the resolution.

Remarks by Senator Wiener.

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

I am grateful for the opportunity to talk with you, today, about a subject that is very important to me, promoting physical activity in Nevada's schools. Since I was first elected to the Nevada State Senate in 1996, I have been passionate about health issues especially preventative measures.

As you will remember, from 2003 to 2004, I chaired the interim subcommittee to study the impacts of obesity. Additionally, during the 2005 Legislative Session, I successfully sponsored Senate Bill 197. This law directed Nevada's Health Division to establish multiple statewide programs to advance the fitness and overall wellness of Nevada citizens. Today, I stand before you to urge your support for Senate Concurrent Resolution No. 9 to establish Nevada as a model for other states to follow. We know that many states are cutting recess, physical education and activity time. Senate Concurrent Resolution No. 9 encourages Nevada school districts to sustain or increase the amount of time allocated for physical activity in our schools.

Currently, Nevada's State Board of Education, through its statewide school Wellness Policy, requires all school districts to designate at least 30 minutes each school day for physical activity. This is a step in the right direction. However, I believe that we need to take additional steps to promote physical activity in our schools.

Why?

Because, obesity among children has reached a critical level. At present, one in four children is overweight or at risk for becoming obese. The health risks associated with obesity are endless. They are arthritis, cardio-vascular disease, diabetes, gallbladder disease, hypertension, stroke, cancer and other physical disorders. Obesity is second only to tobacco as the leading cause of preventable death, and according to many sources, obesity is quickly taking the lead.

Some people believe that recess and physical education take needed time away from the classroom. In reality, promoting physical activity in schools produces substantial benefits for both students and teachers. In fact, several studies have proven that students who are regularly engaged in physical activities perform better scholastically.

Parents across the country appreciate the importance of regular vigorous physical activity. In fact, 78 percent of parents in the United States believe that time allocated for physical education and recess should not be reduced.

As we consider Senate Concurrent Resolution No. 9, I ask you to take a moment to reflect on what recess and physical education meant to you when you were a child. Remember what it was like to be a ten-year-old. If you were like me, P.E. and recess gave you a chance to release the pent-up energy that had built up in your body as you sat at your desk. Daily physical activity helped you release that energy through exercise, games or sports. This also reenergized you and your classmates to focus on academics when you returned to the classroom. Regular exercise very likely made you a more productive student. It also gave you the opportunity to learn skills in team building, leadership, communication and negotiations. In addition, sharing activities with your friends gave you the opportunity to grow those friendships.

We know that healthy children are healthy learners. An active and balanced lifestyle produces mental and physical well-being. Unfortunately, the habits that contribute to sedentary lifestyles are deeply imbedded in our institutions, our schools, our workplaces and our home environments. Supporting physical activity in our schools through physical education and recess is a crucial step towards ensuring the health and well-being of present and future generations of Nevadans.

This is why I urge your support for Senate Concurrent Resolution No. 9. Thank you.

Resolution adopted.

Senator Wiener moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 9 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: KREN 27: Greg Knight; LAS VEGAS SUN: Christina Littlefield; NEVADA NEWSMAKERS: Randi Thompson.

Motion carried.

Senator Raggio moved that Senate Bills Nos. 47, 56, 66, 70, 83, 111, 136, 140 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

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

Senate in recess at 11:34 a.m.

SENATE IN SESSION

At 11:38 a.m.

President Krolicki presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Rhoads and Titus:

Senate Bill No. 213—AN ACT making an appropriation to the Nevada Northern Railway Museum in White Pine County for improvements to the infrastructure of the facility; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 214—AN ACT making an appropriation to Great Basin College for improvements to and operation of the Great Basin Center for Rural Health Education and Services; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 215—AN ACT making an appropriation to Elko County for the acquisition and maintenance of exhibits for the California Trail Interpretive Center; and providing other matters properly relating thereto.

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

Motion carried.

By Senator McGinness:

Senate Bill No. 216—AN ACT relating to criminal penalties; allowing certain convicted persons to make a monetary donation to a charitable organization in lieu of performing community service; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 217—AN ACT relating to property; revising the provisions governing deeds of trust and the sale of real property after default; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 218—AN ACT relating to county fair and recreation boards; clarifying that a county fair and recreation board may organize and

operate an event such as a county fair; authorizing such a board to apply for and accept gifts, grants and donations of money or property; 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 Human Resources and Education:

Senate Bill No. 219—AN ACT relating to veterans; creating the Gift Account for Veterans in the State General Fund; requiring that the additional fees collected by the Department of Motor Vehicles for the issuance or renewal of special license plates for the support of outreach programs and services for veterans and their families be deposited with the State Treasurer for credit to the Account; 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 the Committee on Human Resources and Education:

Senate Bill No. 220—AN ACT relating to public welfare; revising various reporting requirements regarding programs and services for persons with disabilities; transferring to the Office of Disability Services within the Department of Health and Human Services the duty to maintain and make available a list of certain interpreters; revising provisions governing personal assistance for persons with severe functional disabilities; 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 the Committee on Human Resources and Education:

Senate Bill No. 221—AN ACT relating to health care; creating the Office of Health Planning, Analysis and Policy Support in the Department of Health and Human Services and establishing its duties; creating an Advisory Committee to the Office and establishing its duties; requiring the Office to conduct certain research concerning health care; creating the Steering Committee for e-Health and establishing its duties; creating the Advisory Committee on the Regulation of Providers of Health Care in Nevada; making appropriations; 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 the Committee on Natural Resources:

Senate Bill No. 222—AN ACT relating to water; creating the Nye County Water Authority; providing for the acquisition, storage, sale and distribution of water by the Authority; conferring other powers on the Authority; providing for the membership of the Governing Board of the Authority; setting forth the duties of the Board; authorizing the Board to levy and collect certain taxes; exempting the Authority from regulation by the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Beers, Cegavske, Raggio, Washington; Assemblymen Goedhart, Segerblom, Settlemeyer and Stewart:

Senate Bill No. 223—AN ACT relating to education; directing the Legislative Commission to conduct an interim study to develop a plan to deconsolidate the Clark County School District; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 224—AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources to prepare for and suppress wildland fires in this State; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 47.

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

Motion carried.

Assembly Bill No. 66.

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

Motion carried.

Assembly Bill No. 110.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolution No. 7.

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 the following students, chaperone and teacher from Carson High School: Noemi Ahumada, Kyle Blanchard, Tyler Bourns, Briana Boyd, Richie Copeland, Courtney Duke, Shannon Emmans, Christian Garcia, Jennifer Hood, Whitney Hoote, Marci Kain, Alexander Kaskie, Travis Lamborn, Kristen Larson, Michelle Mauer, Armando Medina, Aaron Murakami, Nathaniel Neidert, Brittney Oday, Veronica Peck, Wendy Perez, Ryan Pura, Stephen Remer, Chris Rosales, Joe Skates, Jaren Taylor, Chandra Tremayne, Terili Wilson, Colton Wright, Danielle Bass, Cole Bjork, Ruben Casillas, Raykne Cloyd-Kennison, Marion Cruzaley, Jessica Dooley, Deborah Epling, Donald Foster, Krystle Gordon, Brooks Greenlee, Steven Loff, Alysa Mitchell, Aaron Orlick, Jay Pentecost-Pichler, Victor Perez, Oli Pestrutto-Gwuaretti, Matthew Pettenger, Geoffrey Rodriguez, Claudia Rogue, Eric Rosales, Donovan Sanchez, Heather Schofield, Casandra Shelton, Noel Smith, Makala Tronson, Andrew Whisler, Jamie Wiest; teachers: Mr. Franz and Mr. Steinle.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Trevor Feldman.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Sarah O'Neil.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Alexandria Hill.

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

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

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Laura Slater.

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

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

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Jean-Paul Torres.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Austin Tischler.

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

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Shawwna Martin and C. J. Lacy.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Keith Rheault, Nicole Smith, Monica Lounsbery and Kelsey Plank.

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

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

Senator Nolan moved that the Senate adjourn until Wednesday, March 7, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 11:49 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate