

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 13, 2007

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

President pro Tempore Amodei presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Louis Locke.

Lord, as we gather in this place today, we give You thanks and praise because Your mercies are new every morning and Your thoughts towards us are gracious, longsuffering and abounding in goodness and truth.

In the midst of the pressures and demands of this Session, may we be reminded by King David's advice from *Psalms* 55, "Cast your burden on the Lord, and He will sustain you. He will never permit the righteous to be moved."

May the people of Nevada benefit because of the wisdom and understanding You give to our Legislators in their deliberations and decisions. Bless the men and women of this Senate, their families and staff.

In the Name of the Most High God,

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 Commerce and Labor, to which was referred Assembly Bill No. 47, 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 pro Tempore:

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 37, 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 189, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 213.

MARK STEVENS

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Care:

Senate Concurrent Resolution No. 10—Directing the Legislative Commission to conduct an interim study concerning the powers delegated to local governments.

Senator Care moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Natural Resources:

Senate Concurrent Resolution No. 11—Urging cooperation among the State Engineer and certain local governments, water authorities and districts concerning issues relating to water resources in this State.

Senator Rhoads moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Horsford and Assemblyman Parks:

Senate Bill No. 266—AN ACT relating to public health; requiring the performance of a standard serological test for the human immunodeficiency virus during the first trimester of a woman's pregnancy unless the woman chooses not to be tested; requiring under certain circumstances the performance of a rapid test for the human immunodeficiency virus during a pregnant woman's third trimester or at childbirth unless the woman chooses not to be tested; requiring the performance of a test for the human immunodeficiency virus on a newborn child unless the performance of the test is contrary to the religious beliefs of a parent of the child; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 267—AN ACT relating to water; creating the Legislative Committee on Water Resources; providing for its membership; prescribing the powers and duties of the Committee; providing for the prospective expiration of the Committee; 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 McGinness:

Senate Bill No. 268—AN ACT making an appropriation to the State Department of Agriculture to fund the activities of the Advisory Council for

Organic Agricultural Products; and providing other matters properly relating thereto.

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

Motion carried.

By Senators McGinness, Hardy, Lee; Assemblymen Christensen, Hardy, Goicoechea and Grady:

Senate Bill No. 269—AN ACT relating to planning and zoning; requiring that land use decisions take into account military installations; requiring that notice of certain land use hearings be given to the commander of a military installation; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 270—AN ACT making an appropriation to the Division of State Library and Archives of the Department of Cultural Affairs for the operation of bookmobiles in rural counties; 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. 271—AN ACT making an appropriation to the City of Caliente for repair of the access road into the Caliente Youth Center which will require the construction of a single-span bridge over the Clover Creek Wash; 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. 272—AN ACT relating to livestock grazing; providing for costs and reasonable attorney's fees in equitable actions regarding rights to graze or water livestock on public lands; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Rhoads:

Senate Bill No. 273—AN ACT relating to taxation; providing that transfers of water rights to or from water utilities under certain circumstances

are exempt from certain taxes imposed on the transfer of real property; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 274—AN ACT relating to water; expanding the purposes for which the State Engineer may adopt regulations; authorizing the State Engineer to impose administrative fines and to order payment of the costs of certain proceedings; authorizing the State Engineer to seek injunctive relief for certain violations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 275—AN ACT relating to underground water; revising provisions governing the domestic use of underground water from a well; revising the date of priority of an appropriation of underground water from a well for domestic purposes; requiring the State Engineer to give notice in all basins before the forfeiture of a water right; requiring the dedication of a water right to a city or county or the designee of a city or county under certain circumstances; requiring that certain conditions be met if local law or ordinance allows the development and use of underground water from a well for an accessory building of a single-family dwelling; revising provisions governing parcel maps; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 276—AN ACT relating to water; authorizing the Board for Financing Water Projects to make grants or loans from the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems to certain political subdivisions of this State to pay the cost of developing infrastructure relating to water resources and implementing water resource plans; changing the name of the Water Rights Technical Support Fund to the Water Rights and Resources Technical Support Fund; authorizing the Board for Financing Water Projects to make grants of money from the Water Rights and Resources Technical Support Fund to a local government to improve its water resource planning and management of information relating to water resources; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Wiener, Amodei, Care, Horsford, McGinness and Washington:

Senate Bill No. 277—AN ACT relating to traffic laws; authorizing the court to order certain offenders who plead guilty or nolo contendere to a third offense of driving under the influence of intoxicating liquor or a controlled substance to a program for the treatment of alcoholism or drug abuse; revising certain penalties for driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Titus, Wiener, Carlton, Cegavske, Mathews, Woodhouse; Assemblywomen Buckley, Gerhardt, Leslie, Gansert, Kirkpatrick, Koivisto, McClain, Parnell, Pierce and Womack:

Senate Bill No. 278—AN ACT making an appropriation to The Rape Crisis Center in southern Nevada for their program to prevent sexual violence; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 279—AN ACT relating to contractors; providing express authority for the State Contractors' Board to collect and disseminate data and to conduct investigations; 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 the Committee on Commerce and Labor:

Senate Bill No. 280—AN ACT relating to health care; providing that certain health care bills must be provided to a patient within 120 days after the charge is incurred; 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 the Committee on Commerce and Labor:

Senate Bill No. 281—AN ACT relating to industrial insurance; revising provisions governing administrative fines and benefit penalties; and providing other matters properly relating thereto.

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

Motion carried.

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

Motion carried.

Senate in recess at 11:17 a.m.

SENATE IN SESSION

At 11:20 a.m.

President pro Tempore Amodei presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 87.

Bill read second time and ordered to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 13, 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. 13.

LUCINDA BENJAMIN

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 13—Honoring the accomplishments of United States Air Force Major Nicole Malachowski.

WHEREAS, Every year as millions of spectators experience the thrill of watching the precision aerial acrobatics of the United States Air Force Air Demonstration Squadron, known as the Thunderbirds, the skill and teamwork of the pilots who provide the excitement are readily recognized and appreciated; and

WHEREAS, The Thunderbirds, who have proudly represented the men and women wearing Air Force blue since 1953, turned a new page in history in March 2006, when Nicole Malachowski made her public debut as the team's first female pilot; and

WHEREAS, After being mesmerized by an air show as a young girl at 5 years of age, Nicole decided that she would one day be a fighter pilot, and despite being told by some that "girls can't be fighter pilots" and growing up with the reality that indeed women were, at that time, not allowed to fly fighter planes, Nicole never wavered from her goal; and

WHEREAS, While her peers were focused on getting their driver's licenses, Nicole was taking flight lessons at the North Las Vegas Airport and made her first solo flight there, and after graduating from Western High School in Las Vegas, she was chosen to enter the United States Air Force Academy and was commissioned in 1996; and

WHEREAS, Upon the completion of a lengthy process of letter submission, interviews and a flight test at Nellis Air Force Base, then Captain Malachowski was one of three pilots selected to become members of the Thunderbirds; and

WHEREAS, Major Malachowski, call sign "Fifi," has, since her selection, attained a summit in fulfilling her lifetime dream as she expertly guides her F-16 Fighting Falcon in the right-wing position of the famous Thunderbird diamond formation; and

WHEREAS, In addition to the time spent on training and performing as a pilot, Major Malachowski dedicates many hours to community outreach and often speaks to children,

emphasizing teamwork and encouraging them to pursue something they are passionate about and to pursue excellence in that endeavor; and

WHEREAS, Nicole Malachowski is the epitome of what she teaches and has not only become a role model for all young women but also an inspiration for everyone who hears her remarkable story; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 74th Session of the Nevada Legislature do hereby honor Major Nicole Malachowski for her extraordinary accomplishments as a pilot and as an exemplary representative of our country and the United States Air Force; and be it further

RESOLVED, That the members of this Legislature and the residents of the State of Nevada praise Nicole Malachowski for her dedication to her country and to her dreams and extol her as a role model for all young Americans; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Major Nicole Malachowski.

Senator Care moved the adoption of the resolution.

Remarks by Senator Care.

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

Thank you, Mr. President pro Tempore. The honoree today is someone who not only broke the infamous glass ceiling but spiraled through it at about mach 1.2 and at 30,000 feet.

Most of us have tried a little of this and a little of that as we settled upon a career choice. Along the way, we might even switch careers, but Nicole had unwavering ambition from the start. Nicole was fascinated by airplanes as an early child. When she was a child growing up in Santa Maria, California, she saw a fighter jet fly over Vandenberg Air Force Base. One of her sixth-grade projects was to do an oral report on what she wanted to do with her life. She said she was going to be a fighter pilot in the Air Force. She was told that women could not do that. Nicole went home that day and told her parents that no one can tell her what she can or cannot be when she grows up. She said she would make that decision for herself.

Later, after the family moved to Las Vegas, she was a student at Western High School. She was a standout with the Junior ROTC program. She eventually became the Cadet Colonel. A picture of her hangs in the Air Force Junior ROTC headquarters in Alabama in honor of her achievement.

While most students were worrying about getting their driver's license, she obtained her pilot's license while still in high school. She was offered full scholarships by both the Army and the Air Force and entered the U.S. Air Force Academy in 1992. She graduated in 1996, commissioned as a second lieutenant. While there, she became the first female ever to become Commander of the Cadet Soaring Program. This was at a time when the Academy won the national championships in soaring among the colleges and universities that had such programs. She was one of only six graduates from the Air Force Academy to receive the Outstanding Graduate Award. This is at a time when there were more than 1,000 Cadets in her class.

I often go out to Nellis Air Force Base, and it is not uncommon to see the streamers. That is when you say to yourself, "there go the Thunderbirds." I always try to make it to the Base to see the rest of the performance. You never know when the rehearsals are going to be, but they are frequent. When you see the rehearsals at Nellis, everything stops. Everyone stands and watches the Thunderbirds. They are an inspiration; they are a symbol and so awe inspiring that you cannot help but stand and watch the entire performance and the final loop as they land. That is what our honoree does. Nicole is also a fighter pilot who serves her country. That can mean anything at anytime. She is a pioneer. She is a leader. There are now two female Thunderbird pilots.

Nicole could not be here, today because the tour starts shortly. She sent remarks, and I quote her closing comments, "Thank you again for this wonderful opportunity and for supporting your Air Force. Thanks for keeping our entire Nation's airmen, soldiers, sailors, Marines and Coast Guardsmen in your thoughts. I am proud to call myself a Nevadan."

Resolution adopted.

Resolution ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

I would like to read this proclamation into the record today honoring social workers.

Social workers have the appropriate education and experience to guide the individuals, families and communities of Nevada through complex issues and choices; and

Social workers are dedicated to improving not only the social conditions in Nevada but the lives of Nevadans in general; and

Social workers are positive, compassionate, proactive and intelligent professionals who are ever diligent in their efforts to see that everyone has access to the same basic rights, protections and opportunities; and

Social workers help people to help themselves, whenever and wherever they need it most; and

The month of March 2007 is recognized nationally and appropriately as Professional Social Work Month; now, therefore, be it

That Nevada's professional social workers be honored for the work they do and their commitment to the social welfare of Nevada; and be it further

That the Nevada State Legislature and all citizens join the National Association of Social Workers by honoring these men and women of social work for their professional service and dedication to excellence.

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 Ken Gardner and Leroy Goodman.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Jenny Care, Cathy Ellingwood and Robert Ellingwood.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Jackie Locks and Louise Helton.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Kelley Jones, Juanita Mendoza and Chata Holt.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Christina Hooshmand, Jennifer Hooshmand, Irmeli Saarsalu and Nancy Podewils.

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

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

Senator Raggio moved that the Senate adjourn until Wednesday, March 14, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 11:40 a.m.

Approved:

MARK E. AMODEI

President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate