

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 15, 2007

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

Our Father, who art in heaven, hallowed be Your Name.

Your kingdom come, Your will be done, on earth as it is heaven.

Give us this day our daily bread.

And forgive us our trespasses as we forgive others who have trespassed against us.

And lead us not into temptation, but deliver us from evil.

For Yours is the kingdom and the power and the glory for ever and ever.

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 Human Resources and Education, to which were referred Senate Bills Nos. 150, 151, 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:

Your Committee on Judiciary, to which was referred Senate Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 14, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 137.

LUCINDA BENJAMIN

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Titus, Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, Woodhouse; Assemblymen Parks, 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,

Oceguera, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 12—Memorializing Karla Joann McComb, educator, civic leader and advocate for youth and the disabled.

WHEREAS, Since her passing on June 13, 2006, the engaging smile and pleasant disposition of Karla Joann McComb are now carried only in the memories of those who were fortunate enough to have met her, but the programs put into place by her tireless work for others continue to benefit the people of Nevada; and

WHEREAS, Born on July 23, 1937, in Tacoma, Washington, to John F. and Lorraine Winters Bohac, Karla McComb possessed the desire to teach and the pioneering spirit of her grandmother, who taught until the age of 75, and her mother, who was one of the first special education teachers in Sacramento, California; and

WHEREAS, Armed with a bachelor's degree in French with minors in English and music from California State University, Sacramento, and a master's degree in educational administration from Nova Southeastern University, Karla McComb taught English, social studies, music, band and French to students in California and Idaho before her move to Las Vegas in 1970 where she continued classroom teaching for another 8 years before the Clark County School District utilized her skills as the Director of Safe and Drug-Free Schools and Multicultural Education, a position she held for the next 33 years; and

WHEREAS, An inspiration to all who knew her, Karla McComb was honored by her community over the years with numerous awards, including Outstanding Geographic Educator, Outstanding Holocaust Educator, Leadership in Education Award, Humanities Award for Education, Community Achievement in Education Award, Outstanding Handicapped Individual, Bank of America Community Hero, Southern Nevada Citizen of Distinction, and Peacemaker of the Year, as well as being added to *Who's Who in American Education* in 1991 and *Who's Who in American Women* in 1995; and

WHEREAS, In addition to her 36 years of community involvement and activism resulting in remarkable contributions in educational curricula and improved lives for the disabled, Karla McComb was a dedicated mother and grandmother; 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 extend their deepest sympathy to Karla Joann McComb's daughters, grandchildren, and large circle of friends; and be it further

RESOLVED, That the best way to honor Karla McComb is for each individual Nevadan to follow the example of this amazing woman and strive to further her mission of creating positive change in society and facilitating better understanding among people, thus ensuring a better future for all; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Marsha Hayes and Kammy Bridge, daughters of Karla McComb.

Senator Titus moved the adoption of the resolution.

Remarks by Senators Titus and Cegavske.

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

SENATOR TITUS:

Thank you, Mr. President. Karla McComb was my dear friend for over a quarter of a century. During that time, I knew her in many different roles. In each one, she was always advocating for someone else. She was a humanities advocate, a disabilities advocate, an education advocate, a democracy advocate and a holocaust-studies advocate. Her many accomplishments were outlined beautifully in the resolution.

Over the years, Karla shrank in size but grew in stature. She inspired us all with her drive, her selfless efforts to help others even when she was in pain and in need. Karla knew no obstacle that could not be overcome, no challenge that could not be met, and she did it all with an ever pleasant disposition and an incredibly strong will.

Karla McComb was truly a woman of grace who left an indelible mark on all of us who were blessed to know her personally and on those many souls she helped who will never now exactly why their lives are so much better. That is truly her legacy.

SENATOR CEGAVSKE:

Thank you, Mr. President. I want to thank my colleague for bringing this resolution forward.

Karla McComb was a wonderful person. I had the pleasure of working with Karla for several years with the disability community. She was the chair of one of the Governor's committees and I served on that committee with her. She was a wonderful leader. All of those who knew her knew of her commitment to help those who had disabilities. They knew her commitment to children, her commitment to adults. She understood the transitional period between high school and college to make certain they could overcome the obstacles that were there for them. What a loss for all of us and for any of you who did not know her. I am sorry you did not have the opportunity to meet her. I hope that our sharing our knowledge of her and that knowing her family will help you know a little bit more about her.

I want to thank her family for sharing her with us and for allowing her the time that she took away from being with them to be with all of us. She was honored in every aspect of anything that she did. She was highly thought of and never complained. She had a grace about her as she worried about everyone else and not about herself. I thank her family for the blessing of their mother. She will never be forgotten.

Resolution adopted.

Senator Titus moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 12 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:20 a.m.

SENATE IN SESSION

At 11:23

President Krolicki presiding.

Quorum present.

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

Senate Concurrent Resolution No. 13—Commemorating the 100th anniversary of United Parcel Service of America, Inc., and recognizing the contributions of the company to the residents of Nevada.

WHEREAS, On August 28, 2007, United Parcel Service of America, Inc., known worldwide as UPS, will celebrate its 100th anniversary; and

WHEREAS, UPS has served Nevada since 1975 and today employs over 1,300 employees and operates 16 facilities across this State; and

WHEREAS, Each day, 8,422 residents of Nevada utilize the express delivery and specialized transportation and logistics services that UPS provides; and

WHEREAS, UPS delivers more than 124,089 packages every day to customers across Nevada, connecting people, communities and businesses; and

WHEREAS, The services UPS provides connect the people of Nevada to more than 200 countries through its expansive transportation network that truly synchronizes global commerce; and

WHEREAS, UPS has contributed more than \$470,000 to philanthropic endeavors in the State of Nevada since 1995, reflecting the company's emphasis on community service and good citizenship; and

WHEREAS, UPS will continue to provide a substantial economic impact to the people of Nevada and focus on cultivating deep partnerships with the communities it serves; 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 commemorate UPS on its 100th anniversary; and be it further

RESOLVED, That the Nevada Legislature recognizes and celebrates the contributions of UPS to the people of Nevada both economically and philanthropically; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Nevada Headquarters of the United Parcel Service of America, Inc.

Senator Nolan moved the adoption of the resolution.

Remarks by Senator Nolan.

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

Thank you, Mr. President. The resolution speaks to the contributions that United Parcel Service (UPS) has made over the last 100 years moving America and now the world's commerce and trade goods. One thing the resolution did not speak to was the dedication that UPS has to moving commerce and trade packages with safety. When I was in the public transportation realm, we used to look to UPS and tried to emulate their safety practices of zero tolerance for preventable accidents while they did their mission.

We look forward to seeing those big brown trucks pull up in front of our homes and businesses. They arrive during Christmas, Valentine's Day, Mother's Day, and even this Saturday, they may pull up in front of your house and bring you that surprise package of corned beef and cabbage. Remember to thank those people who are helping us so much.

Resolution adopted.

Senator Nolan moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 13 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

By Senator Hardy:

Senate Concurrent Resolution No. 14—Directing the Legislative Commission to conduct an interim study concerning the governance of the system of K-12 public education in this State.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Mathews (by request):

Senate Bill No. 287—AN ACT relating to public employees' retirement; revising the requirements concerning eligibility to participate in the Public Employees' Retirement System as a police officer under certain early retirement provisions; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Townsend:

Senate Bill No. 288—AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district; requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto.

Senator Townsend 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. 289—AN ACT relating to fire protection; revising provisions that authorize a fire protection district receiving federal aid to annex territory which is contiguous to the district; revising provisions that authorize certain county fire protection districts to annex territory located in a fire protection district receiving federal aid; authorizing the consolidation of certain contiguous fire protection districts located in a county; 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 Senator Mathews:

Senate Bill No. 290—AN ACT making an appropriation to the Department of Education for the support of public broadcasting; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Care (by request):

Senate Bill No. 291—AN ACT relating to undertakings in civil actions; making mandatory a grant of increased undertaking in civil actions in which plaintiffs are nonresident or foreign corporations; and providing other matters properly relating thereto.

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

By Senator Care:

Senate Bill No. 292—AN ACT relating to mediation; enacting the Uniform Mediation Act; and providing other matters properly relating thereto.

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

By Senators Cegavske, Nolan, Coffin, Hardy, Heck, Mathews, McGinness, Raggio, Wiener and Woodhouse:

Senate Bill No. 293—AN ACT relating to motor vehicles; providing that a parent or legal guardian of a person who is 16 or 17 years of age who commits certain motor vehicle violations after obtaining a driver's license is liable to pay the fine or penalties imposed for such violations and may be required to perform community service if unable to pay the fine or penalties because of financial hardship; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 294—AN ACT relating to juvenile justice; repealing the provision concerning mandatory detention of a child who commits certain acts pertaining to domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 295—AN ACT relating to fuel; providing for the regulation of the maximum pretax wholesale price of gasoline and diesel fuel; making it unlawful for a manufacturer or wholesaler to sell gasoline or diesel fuel at a price above the maximum pretax wholesale price; authorizing the Governor to suspend the maximum pretax wholesale price in certain situations; providing that the district attorney may investigate or file a criminal complaint against a manufacturer or wholesaler who sells gasoline

or diesel fuel at a price above the maximum pretax wholesale price; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Schneider and Amodei:

Senate Bill No. 296—AN ACT making an appropriation to the Commission for Cultural Affairs for the restoration of historic buildings in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Wiener, Titus, Horsford, Hardy, Cegavske, Amodei, McGinness, Woodhouse and Assemblyman Bobzien:

Senate Bill No. 297—AN ACT relating to the State Controller; authorizing the establishment of measures of performance for certain state agencies to evaluate the performance and efficient use of public resources by those agencies; authorizing certain annual reporting concerning the measures of performance; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hardy and Townsend:

Senate Bill No. 298—AN ACT relating to civil liability; enacting provisions relating to civil liability for causing the injury or death of certain pets; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hardy, Heck, Lee, Washington and Assemblyman Hardy:

Senate Bill No. 299—AN ACT relating to criminal liability; establishing provisions relating to crimes against unborn children; repealing the provisions relating to the willful killing of an unborn quick child; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy:

Senate Bill No. 300—AN ACT relating to motor carriers; revising the definition of "intrastate driver" to exclude drivers who work for a public utility; repealing the exemption of commercial intrastate drivers from the

hours-of-service limitations in certain emergencies; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Hardy and Assemblyman Hardy:

Senate Bill No. 301—AN ACT relating to public lands; clarifying the purposes for which money in the Fort Mohave Valley Development Account may be used; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Titus:

Senate Bill No. 302—AN ACT relating to credit cards; prohibits an issuer of a credit card from increasing the interest rate charged to the cardholder based upon a late payment by the cardholder to another creditor; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Lee:

Senate Bill No. 303—AN ACT relating to judges; amending the Charter of the City of North Las Vegas concerning the qualifications of municipal judges; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Horsford, Titus, Woodhouse, Wiener, Care, Carlton, Coffin, Lee, Mathews; Assemblymen Parnell, Smith, Buckley, Conklin, Denis, Gerhardt, Koivisto, Ohrenschall, Parks, Pierce, Segerblom and Womack:

Senate Bill No. 304—AN ACT relating to education; establishing a program of local empowerment and accountability for public schools; setting forth the criteria for public schools to participate in the program; providing for an exemption from certain policies and regulations of school districts and certain state laws for local empowerment and accountability public schools; 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.

Assembly Bill No. 137.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Senate Bill No. 93 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 42.

Bill read second time and ordered to third reading.

Senate Bill No. 147.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 37.

Bill read third time.

Remarks by Senator Amodei.

Roll call on Senate Bill No. 37:

YEAS—21.

NAYS—None.

Senate Bill No. 37 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 87.

Bill read third time.

Roll call on Senate Bill No. 87:

YEAS—21.

NAYS—None.

Senate Bill No. 87 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 47.

Bill read third time.

Roll call on Assembly Bill No. 47:

YEAS—21.

NAYS—None.

Assembly Bill No. 47 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 13.

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 former Senator Ray Shaffer and Sharon Shaffer.

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to former Senator John Foley.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Norman Hilbrecht.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Diana M. Glomb.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Christine A. Milburn.

On request of Senator Coffin, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Alan Glover.

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

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to former Lieutenant Governor Lonnie Hammargren and Wolfgang Muchow.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Don Ashworth.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Coe Swobe.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Virgil Getto and Pat Getto.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Daryn Carns, Tom McGuire, Chris Martin and Jonny Gomez.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Cliff Young, Jane Young, Carissa Monfalcon and the following members of Big Brothers Big Sisters of Northern Nevada: Monique Mederos, Esteban Lopez, Austin Tonies, Frida Jasso, Thomas Wind, Stormy Robertson, Jessica Martiza,

Vanessa Ramirez, Heying Chase, Steven Bristow, Michael McPhail and Simon Pinching.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Helen Foley.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Jack Vergiels, Steve Neiser, Karly Bridge, Kammy Bridge, Marsha Hayes, Mike Hayes, Ruby Sidnor, Jessica Toverro, Scott Muller and Brian Patchett.

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

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to former Senator F. W. (Bill) Farr and Georgina Lucchesi.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Margie Foote and Alice Aughney.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Julie Siebert and Jazmine Lopez.

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

Motion carried.

Senate adjourned at 12:15 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate