

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 2, 2007

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

President Krolicki presiding.

Roll called.

All present.

Prayer by Father Jerry Hanley.

We approach this special week, Holy Week for Christians and Passover for Jews, with humility and wonder!

In the end we are simple, needy people, and You alone sustain the breath of life in us and our community. You have placed greatness in us and called a few to break open the hope and needs of our State to bless everyone with the guarantee of equality and the right to health, justice and the pursuit of happiness.

Help us to pass over our fears and to be this week a sign of deliverance and hope to all who have given this Senate the responsibility of life and promise for all. Bless this Senate in their needs, in their lives and in their families. Let it be said. Let it be done.

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 was referred Senate Bill No. 219, 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 Legislative Operations and Elections, to which was referred Senate Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

Mr. President:

Your Committee on Taxation, to which was referred Senate Bill No. 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MIKE MCGINNESS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 29, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 47; Assembly Bills Nos. 34, 100, 217, 286, 423.

LUCINDA BENJAMIN
Assistant Chief Clerk of the Assembly

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, Ocegüera, Ohrenschall, Parks, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 19—Expressing the support of the Legislature for participatory democracy and honoring the recipients of the Jean Ford Democracy Award.

WHEREAS, The Nevada Legislature created the Advisory Committee on Participatory Democracy within the Office of the Secretary of State to advocate for civic education, voter registration and citizen participation; and

WHEREAS, The members of the Advisory Committee, who represent civic education groups, nonprofit organizations and community advocacy groups, work tirelessly to ensure the success of the Advisory Committee; and

WHEREAS, The Legislature is committed to working with citizens, election officers, agencies and the Advisory Committee to develop innovative programs, create partnerships and explore new strategies to communicate with the residents of this State in an effort to increase participation in the democratic process; and

WHEREAS, Jean Ford, who served in both the Assembly and Senate of this State and was an outstanding leader and a champion of participatory democracy, exemplified the ideals that the Advisory Committee strives to encourage; and

WHEREAS, The Advisory Committee is charged with the duty to establish a Jean Ford Democracy Award to honor citizens who perform exemplary service in promoting participatory democracy in this State; now therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislature hereby honors the following recipients of the Jean Ford Democracy Award for exemplary service in promoting participatory democracy in this State: Destiny Carroll and Hannah Low, jointly, Judith Simpson and State Senator Dina Titus; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature hereby reaffirm the commitment to achieve, by the 2008 General Election, the goals of having 75 percent of all eligible voters in the State registered and having 70 percent of those registered voters participate in that election; and be it further

RESOLVED, That the Advisory Committee shall make a full report to the 75th Session of the Nevada Legislature on the achievement of the goals set forth in this resolution and the progress of the Advisory Committee in carrying out its statutory duties; and be it further

RESOLVED, That the Legislature hereby declares April 2, 2007, Participatory Democracy Day in the Nevada State Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to award recipients Destiny Carroll, Hannah Low, Judith Simpson and State Senator Dina Titus, and to the Superintendent of Public Instruction, the Chairman of the Board of Regents of the University of Nevada, the Secretary of State and the Advisory Committee on Participatory Democracy.

Senator Wiener moved the adoption of the resolution.

Remarks by Senator Wiener.

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

Mr. President and members of the Senate, it is a moment of great pride for me to rise in support of Senate Concurrent Resolution No. 19, which declares today Participatory Democracy Day in the Legislature.

Our State prides itself in having a citizen legislature that comprises people from all walks of life, and we, as Nevadans and Americans, celebrate our independence and glorify the worthiness of our freedoms and our open democracy.

Last Session, in the Legislature, we celebrated the first Participatory Democracy Day in our State. We discussed our appreciation for the great freedoms we enjoy in our Nation and our State. We reflected on the future of our Country and our State in the sustenance of the ideals of democracy. We remembered our privilege as Legislators who serve as role models for every American citizen especially our State's children. We were reminded of our opportunities to teach others about the impacts of representative government particularly the responsibility of each person to participate in the democratic process. This could mean anything from holding office to volunteering for community service to mentoring a child in reading.

Today, we again have the privilege of celebrating Participatory Democracy Day and all that it represents. I encourage each of us to take a moment to recognize the successful outcomes of S.B. No. 309 of the 73rd Session which established lofty goals for citizen participation in the voting process. That legislation set a goal of 75 percent voter registration statewide, with at least 70 percent of those registered voters participating in the 2008 general election. According to the Secretary of State's office, more than 77 percent of the voters participated in the 2004 election.

To help implement that effort, Nevada received a \$150,000 two-year grant from the Carnegie Corporation of New York and the John S. and James L. Knight Foundation. Judith Simpson, the visionary leader of the Nevada Civic Mission of Schools Campaign, helped steer that money to Nevada. Today, that highly successful two-year campaign culminates with Participatory Day in our Legislature.

Between last Session and this Session, Judith Simpson assembled a state team to attend the third of five Congressional Conferences on Civic Education in Washington, D.C. What an enlightenment that brought to the Nevada delegates, Assemblywoman Bonnie Parnell, Judith Simpson, Steve George, Keith Rheault and myself.

That conference inspired Assemblywoman Parnell and me to bring that knowledge about civics education back to our home State. One of these efforts is Senate Bill No. 247, which would establish a Nevada Youth Legislative Issues Forum, to inspire the young people of our State to participate in our government.

For the past several years, the Advisory Committee on Participatory Democracy, or ACPD, which is housed in the Secretary of State's office, has focused its efforts on inspiring civic engagement in our State and communities. Certainly, voter registration is one effort, as well as others to encourage our citizens to participate in and make contributions to their communities in various and productive ways.

The ACPD also has nominated outstanding Nevadans for the Jean Ford Democracy Award. Last session, the first recipients of this award were recognized on our floor during Democracy Day. Political Science professor Mark Peplowski of the Community College of Southern Nevada and Larry Struve, a founding member of the ACPD and exemplary role model for civics education, were honored for their outstanding service and key role in promoting participatory democracy in our State.

Today, I am extraordinarily privileged to present the 2007 recipients of the Jean Ford Democracy Award to the Nevada State Senate, Destiny Carroll, Hannah Low, Judith Simpson and State Senator Dina Titus.

Mr. President, this is a special day for us to remember and reflect on the meaning of participatory democracy and to honor extraordinary people who are helping promote this important principle of freedom. It is for these reasons that I urge the Senate's support for Senate Concurrent Resolution No. 19.

Resolution adopted.

Senator Wiener moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 19 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

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

Senate Concurrent Resolution No. 20—Commending Father Jerry Hanley in honor of his retirement after 30 years of service with the St. Teresa of Avila Catholic Community in Carson City.

WHEREAS, The end of an era for the St. Teresa of Avila Catholic Community in Carson City will occur on July 1, 2007, as Father Jerry Hanley retires after 30 years of service at the parish; and

WHEREAS, Born on October 16, 1936, Father Jerry grew up in Detroit, Michigan, worked as a steel sales engineer, and witnessed the destruction and rioting which plagued his city during the 1960s as a result of the social injustices suffered by many; and

WHEREAS, According to Father Jerry, his involvement in many social justice areas ultimately led to his decision to become a priest, and, at 32 years of age, he entered Blessed John XXIII National Seminary in Boston, Massachusetts; and

WHEREAS, In 1973, Father Jerry was ordained at St. Rita Parish, his home parish in Detroit, and was first assigned to serve at Our Lady of Las Vegas Catholic Church and St. Francis de Sales Catholic Church, both in Las Vegas, before coming to Carson City in 1977; and

WHEREAS, During the 30 years that Father Jerry has served as shepherd at St. Teresa's, he has performed hundreds of weddings, funerals and baptisms, has cherished ecumenical friendships with pastors of churches from other denominations in the area, and is proud of his roles in forming with two other local churches Friends in Service Helping, in founding the Community Counseling Center with the late Pat Bates, and most recently, in overseeing a 6-year process of planning and building the new St. Teresa of Avila Catholic Community Church on Lompa Lane in Carson City; and

WHEREAS, Father Jerry has made a tremendous impact not only on the Catholic community at St. Teresa's as a gifted preacher and a leader who has built a strong sense of community among his parishioners, but on the entire community of Carson City, as well, by co founding programs to help the needy and persons with drug and alcohol problems, an impetus that can be traced to the riots and martial law that he witnessed in Detroit during the 1960s; 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 commend and congratulate Father Jerry Hanley on his retirement after 30 years of service at St. Teresa's and wish him continued happiness as he begins a new chapter of his life; and be it further

RESOLVED, That Father Jerry will be truly missed by his family at St. Teresa's but will never be forgotten by the residents of Carson City, a small city in Nevada that he will call home during his retirement; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Father Jerry Hanley in honor of his retirement.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

Thank you, Mr. President. I tried to keep this resolution a secret, but trying to keep a secret in the Nevada Legislature is a very difficult thing to do at best. We lured Father Hanley here, today, to give the invocation, but everyone in the halls told him how much they were looking forward to the resolution today so he found out before the Session began.

During the years I have served in the Legislature, we have had many resolutions commending people from all walks of life enumerating their contributions, but I am particularly proud, today, to join in sponsoring this resolution to commend someone who has done so much for a community and for his vocation and has sought little recognition for himself.

Father Hanley has had an interesting life. He grew up in Detroit, Michigan, and though much younger than many of us, he is getting ready to retire. He still has much energy and skill, information and wisdom left to share.

Before becoming a priest, Father Hanley worked as a steel sales engineer. During the 1960s, he witnessed a great deal of destruction and rioting as it occurred during this time. He saw many injustices, and that led to his decision to become a priest. At the age of 32, he entered Blessed John XXIII National Seminary in Boston, Massachusetts. He was ordained in 1973. It is timely, that, today, during this week which is a Holy Week for both Christians and Jews, we observe his years of service.

He served at Our Lady of Las Vegas Catholic Church and St. Francis de Sales Catholic Church in Las Vegas before coming to Carson City in 1977. He has been the pastor here for the past 30 years. He has served as shepherd of St. Teresa's and has performed many marriages and funerals. He was a participant in the celebration of my recent marriage.

Many who have served in this Legislature for many years remember Pat Bates. She was very active in dealing with the problems of substance abuse. Through her efforts, many of our programs that deal with substance abuse are the result of her dedication and her insistence that we recognize a problem too often swept under the rug. Together with Father Hanley, they worked to set up many programs that are now helpful to those who suffer. It is important to recognize his many years of involvement with the community in which he serves. He has made a great impact on all of these programs as they have evolved.

Today, we hear so many negative comments about many who are in the religious communities, and we overlook those who have served with commitment, dignity and unselfishness. Today, it is fitting that we honor someone who is retiring, who should not really retire but who tells me that he will still be active. I ask you all to join in recognizing Father Jerry Hanley not only because he has served this Legislature but also has served so well, not only his own flock but all of us who have the privilege of living in this great State.

Resolution adopted.

Senator Raggio moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 20 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 2, 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. 18.

LUCINDA BENJAMIN
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 18—Celebrating the 95th anniversary of Girl Scouts in the United States and the 75th anniversary of Girl Scouts in Nevada.

WHEREAS, For nearly a century, the Girl Scout movement has played a pivotal role in America's history with a focus on developing young women with the necessary skills to be leaders who make a difference in their world, and this initial vision was that of founder Juliette Gordon Low, when she gathered 18 girls to form the first Girl Scout troop in Savannah, Georgia, on March 12, 1912; and

WHEREAS, Throughout history, the Girl Scouts have assumed leadership roles in their community, and today, with 3.6 million members and over 55 million alumnae throughout the United States, the Girl Scouts continue to develop girls' leadership skills and prepare them for their futures as successful women; and

WHEREAS, Girl Scout alumnae now represent 70 percent of women serving in Congress, 64 percent of women listed in *Who's Who in America* and 53 percent of women who are business owners; and

WHEREAS, The Girl Scout program is available to all girls from 5 to 17 years of age and is based on the Girl Scout Promise and Law and four fundamental goals that encourage girls to develop their full potential, relate to others with increasing understanding, skill and respect, develop a meaningful set of values to guide their actions and to provide for sound decision making, and contribute to the improvement of society through the use of their abilities and leadership skills, while working in cooperation with others; and

WHEREAS, As the Girl Scouts of America are celebrating 95 years as the premier leadership organization for girls, the Girl Scouts of Frontier Council, an organization which develops and manages Girl Scouting in central and southern Nevada, is celebrating the 75th anniversary of the formation of the first Girl Scout troop in Nevada on April 14, 1932, in Boulder City with 22 girls; 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 hereby congratulate all Girl Scouts as they begin a year-long celebration of their 95th anniversary by participating in community service activities and performing good deeds of their choosing to carry out the theme of this historic occasion, "Make the World a Better Place"; and be it further

RESOLVED, That the Nevada Legislature also congratulates the members of the Girl Scouts of Frontier Council as they celebrate 75 years of Girl Scouting in central and southern Nevada and commends the Council for their role in developing the leaders of tomorrow; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Christine Smith, President of the Girl Scouts of Frontier Council, and Patricia Miller, CEO/Executive Director of the Girl Scouts of Frontier Council.

Senator Wiener moved the adoption of the resolution.

Remarks by Senator Wiener.

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

Thank you, Mr. President. It is hard to believe that nearly 50 years ago, I had my first contact with the Frontier Girl Scout Council. They are celebrating 75 years, and that celebration certainly puts those 50 years into perspective. I am one of the 55 million alumni across the Country that has benefited from Girl Scouting.

Being a Girl Scout marked the first time I had participated in any kind of organized activity outside of the classroom at Mayfair Grammar School in Las Vegas during a time when Las Vegas had only 20,000 to 30,000 people. Troop 189 met every Thursday. We scurried about as the scout moms tried to corral us as we were not used to being that organized. I learned through my own scout experience how to prepare S'Mores over an open campfire. I learned how to turn a coffee can into my mother's favorite planter. I learned how to prepare a healthy three-course meal in a cooking course we took at Southwest Gas and how to make an apron my mother actually wore. The stitches were quite even. I learned how to roller skate both frontward and backward without falling down. Most importantly, I learned about people. I developed skills

in team building and anger management. I developed negotiation, tolerance, listening and leadership skills. I developed an ongoing appreciation for Scout Troop 189, for my family, for my neighborhood, for my school, for my city, my State and my Country.

What I learned to appreciate as a young Brownie turned Girl Scout inspired me every day of my life. I am proud to say I still have the opportunity to share the wisdom of scouting with some of the same people who started with me as a Brownie nearly 50 years ago. It is for this reason and for so many others, Mr. President, that I urge the Senate to support Assembly Concurrent Resolution No. 18.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 34.

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

Motion carried.

Assembly Bill No. 100.

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

Motion carried.

Assembly Bill No. 217.

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

Motion carried.

Assembly Bill No. 286.

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

Motion carried.

Assembly Bill No. 423.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 435.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 220.

Bill read third time.

Roll call on Senate Bill No. 220:

YEAS—21.

NAYS—None.

Senate Bill No. 220 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 Senate Bill No. 28; Assembly Bills Nos. 32, 48; Assembly Joint Resolution No. 10 of the 73rd Session; Assembly Concurrent Resolution No. 17.

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 Michael J. Pomi and the following students, chaperone and teachers from the Bordewich-Bray Elementary School: Devon Ames, Dean Bradbury, Alex Cardenas, Cassidy Cox, Alvaro Delgado Reyes, Shaylena Flores, Cole Hanks, Fabiola Mata, Alex Pack, Raul Reyes Ruiz, Ramcez Rodriguez, Enrique Sanchez, China Scott, Makenzie St. Cyr, Anessa Williams, Miguel Casillas, Margaret Delarosa, Michael Dodd, James Fakkema, Eric Hickman, Cameron Locker, Adrian Maldonado, Jorge Reyes, Yesenis Soto-Gamez; chaperone: Dan Klaich; teachers: Nena Stucki and Alicia Klaich.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Margaret A. Lampe and Sean David Griffiths.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Father Jerry Hanley, Sister Marie McGloin and Bob Evans.

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

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Secretary of State Ross Miller, Destiny Carroll, Hannah Low, Judith Simpson, Ashley Smith and Emily Smith.

Senator Raggio moved that the Senate adjourn until Tuesday, April 3, 2007, at 10:30 a.m.

Motion carried.

Senate adjourned at 11:57 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate