

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 26, 2007

Senate called to order at 11:22 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Marie Hanson.

Let us join together today in joy, being one with the light. Joy awaits our attention, our invitation to express through us, and as each of us. I see and know the service of this Senate, its many and varied staff, visible and behind the scenes and its Senators. We are grateful for their dedication. May joy permeate their work, lives and families. May joy express itself fully here today. May joy be given and received.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 24, 34, 286, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDOLPH J. TOWNSEND, *Chair*

Mr. President:

Your Committee on Finance, to which were referred Senate Bills Nos. 182, 187, 190, 336, 339, 340, 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Mr. President:

Your Committee on Human Resources and Education, to which was referred Assembly Bill No. 267, 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 were referred Assembly Bills Nos. 37, 38, 106, 227, 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, April 25, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 23, 24.

LUCINDA BENJAMIN
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Concurrent Resolution No. 25—Memorializing former district judge Paul C. Parraguirre.

WHEREAS, The legal community of Nevada lost an ardent litigator and leader with the death of Paul C. Parraguirre on December 26, 2005; and

WHEREAS, Descended from Basque shepherders who emigrated from Extalar, Spain, in the 1870s, Paul Parraguirre was a third-generation Nevadan born in Gardnerville on December 13, 1923; and

WHEREAS, Paul Parraguirre earned his law degree from the University of Denver School of Law on the same day in 1954 as his brothers, David and Lorin, and all three were admitted to the Nevada Bar on December 31, 1956; and

WHEREAS, Paul's experience as a Nevada deputy attorney general and a chief deputy district attorney for Clark County, as well as his successful private practice, caught the attention of Governor Bob Miller who appointed him to the Fifth Judicial District Court bench in Tonopah to finish out the term of retiring district judge William Beko; and

WHEREAS, Paul Parraguirre was chosen to serve as President of the State Bar of Nevada and as a trustee of the Nevada Law Foundation, and his professionalism, civility and collegiality earned him a fellowship in the American College of Trial Lawyers and induction into the American Board of Trial Advocates; and

WHEREAS, The practice of law was not the entire life of Paul Parraguirre who was a pilot and served his country as a captain in the Nevada Air National Guard until the early 1970s, and who also enjoyed hunting and fishing whenever he had the opportunity; and

WHEREAS, Active in the Basque community, Paul Parraguirre, along with other notable Nevadans of Basque descent, was part of the organizing committee for the first Western Basque Festival held in 1959 and was honored for that contribution during the North American Basque Organization convention held in Reno in 1999; and

WHEREAS, Paul C. Parraguirre's first passion was his family, and he is survived by his wife Iris, sons Ron and Paul R., daughter Kathy and grandchildren; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 74th Legislature offer their deepest condolences to the beloved family of Paul C. Parraguirre; and be it further

RESOLVED, That Paul's high standards of ethical conduct, his passion for the law and his reputation as a consummate gentleman will continue to be an inspiration for all those who practice law in the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Paul's lifelong companion, his wife Iris.

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 take a distinct privilege in offering this resolution and joining with the members of the Senate in memorializing the life of a great Nevadan. We do a number of resolutions each Session, but no one is more deserving of this resolution than is former Judge Paul Parraguirre.

The Parraguirre family is a distinguished Nevada family. The Parraguirre family originally spelled the name with a "y" at the beginning. They dropped it long ago, and I always called them namedroppers. They came here in the late 1870s and settled here and in the Bridgeport area in California along the border. The old Sweetwater Ranch was where the original Parraguirre family settled. They raised sheep in the area. Paul Parraguirre's parents were remarkable people. Paul's father was also named Paul. He lived to be in his mid-90s. Paul's mother was a long-time schoolteacher in the Bridgeport-Coleville area. Then the family moved to Reno.

Paul and his two brothers, Lorin and David, never did anything without telling one another. The three of them were always together. Theirs' was one of the closest-knit families I have ever known. I had the pleasure of knowing all three of them for a very long time. Paul was an Alpha Tau Omega fraternity brother and colleague of mine at the University of Nevada in Reno. After that, he went into the service, as did many of us. Paul had intended to go to medical school, but then the three brothers, Paul, David and Lorin, decided to go to law school. They went to the University of Denver Law School. They all graduated together and started their careers in this building as bill drafters when Russ McDonald was running the department. They made an imprint on this legislative process. They were in practice together here and in Las Vegas.

After having served as a Deputy Attorney General and as a Chief Deputy District Attorney in Clark County, Paul was appointed to a District Judgeship in central Nevada after Judge William Beko passed away. Paul thrived as a judge. He was so dedicated to the job that he forgot to campaign for reelection. I kept telling him he needed to get out and campaign, but he said he was so busy with the cases that he did not have much time to campaign. As a result, he lost the reelection. Then, he went back into practice.

His brother, David, worked with me when I was in the District Attorney's Office for many years. Lorin practiced law until his premature death in the Clark County Court House. These three brothers were very close with their families. Their families were their first love. If you ever did anything against the Parraguirre family, you had an army against you. I have never seen a family relationship that was closer than theirs'. They were wonderful individuals. I never heard any of the Parraguirre brothers say anything negative about anyone. It is difficult to find people like that. It used to amaze me because I can think of many bad things to say about people, but the brothers never could. Paul would say, "Isn't he great?" I would think to myself, "Who is he talking about?"

I admired all of them. I particularly admired Paul. He liked people and got along well with them. They all enjoyed the law practice. They contributed a great deal to the legal profession in this State and to the history of this State. They left behind a large and wonderful family, many who are here with us today. The heritage of Paul and his brothers, Lorin and David, will be carried forward as well as the values that were brought over here by their parents. It is appropriate to honor the memory of former District Judge Paul C. Parraguirre.

Resolution adopted.

Senator Raggio moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 25 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that Senate Bill No. 190 just reported out of committee be placed at the top of the Second Reading File.

Remarks by Senator Raggio.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 633.

"SUMMARY—Makes an appropriation to the ~~Department of Corrections~~ State Public Works Board to ~~provide modular~~ design housing units ~~to~~ at institutions within the Department of Corrections. (BDR S-1219)"

"AN ACT making an appropriation to the ~~Department of Corrections~~ State Public Works Board to ~~provide modular~~ design housing units ~~to~~ at institutions within the Department of Corrections; and providing other matters properly relating thereto."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the ~~Department of Corrections~~ State Public Works Board the sum of ~~(\$30,121,031)~~ \$826,597 to ~~provide~~ design four ~~modular~~ housing units to accommodate inmate population growth ~~to~~ at institutions within the Department of Corrections.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, ~~2009,~~ 2007, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~18, 2009,~~ 21, 2007, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~18, 2009,~~ 21, 2007.

Sec. 3. The State Public Works Board is authorized to use the Design-Build delivery method for this project.

Sec. 4. The project enumerated in this act is exempt from the competitive bidding requirements of chapters 333 and 338 of NRS, the Green Building Standards adopted pursuant to NRS 701.217, the administrative regulations concerning consultant selection procedures and the provisions of NRS 338.1711 to 338.1727, inclusive, governing contracts involving design-build teams.

Sec. 5. Except as otherwise specified in this act, the State Public Works Board shall carry out the provisions of this act as provided in chapter 341 of NRS. The Board shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

Sec. 6. All state agencies involved in the design and construction of the projects enumerated in this act shall cooperate with the State Public Works Board to expedite the completion of the project.

~~{Sec. 3.}~~ *Sec. 7.* This act becomes effective ~~{on July 1, 2007.}~~ upon passage and approval.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senator Raggio moved that all necessary rules be suspended, reading so far had considered second reading, rules further suspended and that Senate Bill No. 190 be declared emergency measures under the Constitution and placed on the bottom of third reading and final passage upon return from reprint.

Remarks by Senator Raggio.

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

This bill, with this amendment, provides a general fund appropriation of \$826,597 for the purpose of designing four housing units to accommodate inmate population growth and to relieve correctional facility overcrowding conditions. These units will be located at three institutions, two at the southern desert facility, one at the Southern Nevada Women's Prison, and the other will be for the Northern Nevada Correctional Center.

The amount of this appropriation represents the work that can be completed before the end of this fiscal year. It does not violate, in any way, the education first limitation. Funding to complete the design and construction of the housing units was added to the 2007 CIP Program. If adopted, this amendment will allow this portion of the overall project to begin immediately and to relieve the conditions of overcrowding. These projects, at least for this limited purpose, will then be available in early 2008.

I should indicate that because of the necessity to get this moving, this amendment also utilizes the design build project delivery methodology and exempts the project from competitive bid requirements and the green building standards, as well as the consultant selection procedure and the design procedures that would otherwise be applicable.

Motion carried.

Senate Bill No. 338.

Bill read second time and ordered to third reading.

Senate Bill No. 557.

Bill read second time and ordered to third reading.

Assembly Bill No. 4.

Bill read second time and ordered to third reading.

Assembly Bill No. 8.

Bill read second time and ordered to third reading.

Assembly Bill No. 114.

Bill read second time and ordered to third reading.

Assembly Bill No. 179.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 314.

Bill read third time.

Roll call on Senate Bill No. 314:

YEAS—21.

NAYS—None.

Senate Bill No. 314 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bills Nos. 5, 18, 27, 30, 35, 75, 100, 152, 264, 294, 482 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 190.

Bill read third time.

Remarks by Senators Care and Raggio.

Roll call on Senate Bill No. 190:

YEAS—21.

NAYS—None.

Senate Bill No. 190 having received a constitutional majority, Mr. President declared it passed, as amended.

Senator Raggio moved that all necessary rules be suspended and that Senate Bill No. 190 be immediately transmitted to the Assembly.

Motion carried unanimously.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

It is an historic occasion for all the Supreme Court Justices to be in the Senate Chambers. In attendance today, as guests of the Senate are Justice Michael A. Cherry, Justice Michael Douglas, Justice Mark Gibbons, Justice James W. Hardesty, Chief Justice A. William Maupin, Justice Ron D. Parraguirre and Justice Nancy M. Saitta.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Jo Boyd, Jan Hillegas, Terry Janison, students and chaperones from the Nevada Homeschool Network: Ruben Cruz, Emilio Cruz, Valeria Cruz, Andrea Vega, Jonathan Seaborg, Stephanie Seaborg, Fernando Seaborg, CJ Castro, Connor Castro, Chase Castro, Cassandra Castro, Brian Henry, Forrest Wahl, Elias Wahl, Sebastian Wahl, Michael Johnson, Matthew Johnson, Tyler Kedziorsk, Troy Isaacs; chaperones: Sandra Colon, Leyda Vega, Terry Seaborg, Sandra Lawhead,

Angela Castro, Elissa Wahl, Layne Johnson, Betty Johnson and Kristin Isaacs.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Joy Kendall, Theresa Kendall, Tonya Pack and Eric Pack.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Joseph Munier and Cammeron Johnson.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Iris Parraguirre, Jim Parraguirre, Julie Parraguirre, Kathy Parraguirre, Paul R. Parraguirre, Roxi Parraguirre, Leslie Parraguirre, Wanda Jacobs, Leroy Arrascada, Roger Bissett, Audrey Parraguirre, Patrick Parraguirre, Kris Parraguirre, Hadley Parraguirre, Wendy Parraguirre, Jean Parraguirre, Halley Beedle, Wendy Beedle, Micala Hall and Jilliann Parraguirre.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the Huffaker Elementary School: Tucker Abts, Emma Brohawn, Josie Brooksbank, Morgan Brunson, Bobby Ernaut, MacKenzie Ernst, AJ Frandsen-Crook, Broc Geary, Eden Gomez, Mitch Hawkyard, Cassidy Kreins, Lia Ludlow, Ben Lyons, Cole Nason, Lauren Raack, Morgan Stosic, Jeff Tung, Viviana Vargas, Zack Young, Thomas Aleo, Sam Bauserman, Niccola Beedle, Madeleine Bydalek, Chloe Chism, Ben Coulson, Grant Davis, Andriana Garcia, Stevie Gardner, Bryce Gaston, Jourdyn Labadie, Mason Labadie, Jeaniel Malihan, Emily Mannikko, Shaye Marshall, Elijah Rogers, Triston Sceirine, Richard Schmidt, Cheyenne Schula, Brandon Vial, Paige Willis, Dale Aguilar, Mikayla Barro, Tristan Buggs, Calvin Carlson, Harjyot Dhanjal, Anne Harmon, Tate Hughes, Jeremy Iaea, John Lannes, Sang Nguyen, Natania Potts, Christopher Probst, Dylan Reynolds, Gregory Rivera Mabry, Sonia Ruiz, Angelica Tamayo-Kidwell, Ruby Torres, Miroslaw Tuma, Bret Warren, Tristen Wilkins; chaperones: Julia Abts, Mary Brooksbank, Tammy Brunson, Wendy Ernaut, Wendy Nason, Kevin Raack, Cami Stosic, Jakeline Fonseca, Marge Frandsen, Bob Harmon, Greg Hughes, Tanja Hughes, Beverly Kidwell, Anita Mabry, Geoff Probst, Carol Bauserman, Wendy Beedle, Patricia Chism, Rebecca Gaston, Chris Garcia, Patty Sheehan; teachers: Sandy Armentrout, Sara Coney and Tracey Frandsen.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Kelli Ann Flynn.

Senator Raggio moved that the Senate adjourn until Monday, April 30, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 12:02 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate