

THE TENTH DAY

CARSON CITY (Wednesday), February 11, 2009

Senate called to order at 11:09 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Carlton, who was excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Father, we thank You today for this grand State and these, our leaders. Nevada has a colorful past and, we are convinced, a bright future.

Please bless us to see beyond the doom and gloom of which many speak at this time. Please fill us with Divine hope and the ability to get things done.

I pray in the Name of the True Light.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford 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.

SPECIAL ORDERS OF THE DAY

Senator Horsford moved that vetoed Senate Bill No. 146 of the 74th Session be postponed and be made a Special Order of Business for February 19, 2009, at 11:15 a.m.

Motion carried.

COMMUNICATIONS
UNITED STATES SENATE
WASHINGTON D.C. 20510-7012

January 29, 2009

THE HONORABLE STEVEN A. HORSFORD, *Senate Majority Leader*

State of Nevada Senate, Legislative Building, 401 South Carson Street, Carson City, Nevada
89701-4747

DEAR SENATOR HORSFORD:

I am writing to request the honor of speaking before both Houses of the Nevada State Legislature at 12 noon on Wednesday, February 18, 2009.

My Reno office will be coordinating the details of my visit. Please contact Mary Conelly at 775-686-5750 if you have any questions.

Thank you for your kind consideration.

With all best wishes.

Sincerely,
HARRY REID
Majority Leader
United States Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Amodei:

Senate Concurrent Resolution No. 6—Urging the counties in this State to map and document certain county roads to preserve certain rights-of-way granted by Congress over public lands in Nevada.

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

Motion carried.

Senator Care moved that Senate Bills Nos. 15, 90, 91 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Care.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Care:

Senate Bill No. 126—AN ACT relating to water resources; requiring local governments to allow the reuse of graywater in single-family residences; requiring suppliers of water and public utilities which furnish water to include an increase in the reuse of graywater as a part of their plans of water conservation; authorizing suppliers of water and public utilities to provide incentives for the installation and use of systems for the reuse of graywater; requiring the State Environmental Commission to adopt regulations concerning the reuse of graywater; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 127—AN ACT relating to contractors; exempting a qualified person or group providing services as a project manager or construction manager to a long-term recovery group from the provisions governing the licensure and regulation of contractors; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Parks, Carlton, Horsford, Wiener, Amodei, Breeden, Cegavske, Coffin, Copening, Lee, Mathews, McGinness, Nolan, Schneider, Woodhouse; Assemblymen Conklin, Segerblom, Anderson, Koivisto, Pierce, Aizley, Bobzien, Buckley, Denis, Dondero Loop, Grady, Leslie, Manendo, McClain, Ocegüera, Ohrenschall and Parnell (by request):

Senate Bill No. 128—AN ACT relating to property; requiring certain persons to record foreclosure sales and sales of real property under a deed of

trust within a certain period of time after the sale; and providing other matters properly relating thereto.

Senator Parks moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 28.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

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

I would like to make a general disclosure of some interests that I have.

I am an attorney licensed to practice law by the State Bar of Nevada. As such, I am a shareholder in the law firm of Jones Vargas, which has offices in Reno and Las Vegas. A number of my associates and shareholders in the firm are registered as lobbyists for this Legislative Session.

I am also a member of the Board of Directors of Archon Corporation, a publicly traded company, which engages in gaming operations and other matters, and as a result, I have been found suitable to serve in that capacity by the Nevada Gaming Commission.

I am also a member of the Board of Trustees of E. L. Wiegand Foundation, a nonprofit foundation that focuses on education and health issues.

As a former and now retired District Attorney of Washoe County, I am the recipient of retirement pay from the Public Employees' Retirement System. I am currently a participant in the Legislative Retirement Fund.

I also am a participant in the Public Employees' Benefits Program, and I personally pay all premiums for coverage.

I have disclosed these interests during previous Sessions under the provisions in the Ethics Law. However, I understand that under the new Rule No. 23, I might not be required to disclose some of these interests because they might not materially affect the independence of judgment of a reasonable person in my situation. However, out of respect to this body, I just wanted to make this disclosure. During the course of this Session, I will be applying the standard in Rule No. 23 on a case-by-case basis to determine whether I am specially benefited in any manner by a matter.

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

Last week, on February 4, 2009, I made a disclosure in Senate Commerce and Labor regarding my employment as the President of ABC-Las Vegas. As you know, the Senate adopted a new standing rule last Monday that addresses ethics disclosures and abstentions. It has come to my attention that under new Rule No. 23 of the Senate Standing Rules the disclosure that I made was unnecessary.

Senate Rule No. 23 sets forth: (1) whether and to what extent a Senator has a conflict of interest; (2) whether a Senator should disclose a conflict of interest; and (3) whether a Senator should abstain from voting upon, as well as advocating or opposing, a matter concerning which a Senator has a conflict of interest.

Under Rule No. 23, the determination of whether a Senator has a conflict of interest is a two-step process. First, a Senator must determine if, with respect to the matter: (1) he accepted a gift or loan; (2) he has a private economic interest; or (3) he has a commitment to a member of his household or immediate family, e.g., spouse, parents, siblings, children—included adopted and step. Second, if a Senator determines that he has such an interest, he must determine whether the independence of judgment of a reasonable person in his situation would be materially affected by the interest. In other words, a Senator must consider whether the matter being considered has a direct and distinctive personal impact on him or a member of his household or immediate family. Under the application of this Rule, a Senator would not have a conflict if the benefit to the Senator or a member of his household or immediate family is not greater than the benefit accruing to any other member of the general business, profession, occupation or group. If

a Legislator determines that the independence of judgment of a reasonable person in his situation would not be materially affected by the interest, he is not required to disclose the interest.

If a Senator determines that the interest would have a material effect on a reasonable person's independence of judgment, he must make a verbal general disclosure of the conflict on the record in committee or on the Floor, as applicable. After making such a disclosure at length, a Senator may thereafter make a reference on the record to the previous general disclosure.

With respect to abstention, a Senator is required to abstain from voting on a matter concerning which the Senator has a disqualifying conflict of interest. This prohibition also applies to advocating or opposing a matter on which he has a disqualifying conflict of interest, but, of course, a Senator is permitted to participate in the discussion and provide facts. Under the Rule, a Senator is required to abstain from voting if he has a conflict of interest and he determines that the conflict impedes his independence of judgment or his interest is greater than the interests of similarly situated persons.

This new Rule makes it clear that the standards and procedures set forth in the Rules regarding the determination of conflicts of interest, disclosures and abstentions are the exclusive and only standards and procedures that apply to Senators with regard to such matters. The provisions of the ethics statutes do not apply with respect to disclosures and abstentions by Senators.

Therefore, from this point on, I will be determining whether I have a conflict of interest, making my disclosures and determining whether abstention is necessary under the new standard set forth in Rule No. 23.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 11, 2009

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. 3.

DIANE M. KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3.—Designating February 11, 2009, as Tissue and Organ Donor Day in Nevada.

WHEREAS, According to recent statistics, more than 100,000 people in the United States are currently on the waiting list for organ transplants, and each day approximately 77 people receive the transplant that gives them a second chance at life, but 19 others die because not enough organs are available to meet our needs; and

WHEREAS, One donor can save up to eight lives by donating organs, and that same donor can greatly enhance the lives of an additional 50 people by donating tissue to be used to restore sight, cover burns, repair hearts, replace veins, and mend damaged connective tissue and cartilage in recipients; and

WHEREAS, As a result of the growing need for organs, living donation has become a common alternative, with almost a quarter of all organs coming from living donors; and

WHEREAS, Unbeknownst to many, a living donor may donate part of the pancreas, part of a lung, part of the liver, part of the intestine and, most commonly, a kidney; and

WHEREAS, People of all ages and medical histories should consider themselves potential donors, as people on the waiting list may need to be transplanted with an organ that is less than ideal if there is no other suitable organ available to save their lives; and

WHEREAS, The State of Nevada has simplified the process of signing up as a donor by giving Nevadans the option of specifying their wishes on their drivers' licenses or state identification cards and by making available on-line a Donor Registration Form for the Donor Registry for the State of Nevada; and

WHEREAS, The State has also made available an Organ Donor specialty license plate, from which a portion of the fees support the Gift of Life Education Fund that provides for the

production and dissemination of educational materials regarding the importance of tissue and organ donation; and

WHEREAS, Giving the "Gift of Life" not only brings hope and healing to the recipients and their families but also may help ease the grief of the donor's own family by knowing that their tragic loss has helped so many other people; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby designates February 11, 2009, as Tissue and Organ Donor Day in Nevada to raise public awareness regarding tissue and organ donation and the effect it can have on so many people; and be it further

WHEREAS, That, by designating this day, the residents of Nevada are encouraged to take steps to obtain donor cards and to ensure that their wishes concerning tissue and organ donations are made known to their families; and be it further

WHEREAS, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Donor Network and The Transplant Network.

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. This resolution speaks for itself to the importance of the tissue and organ donor program. Earlier this week, in the *Las Vegas Review-Journal*, there was a moving story about a person who lost his life to a tragic accident. That person was a registered organ donor in the State of Nevada. The accident occurred several months ago. As a result of the gifts he gave to others, the organs, which included a double kidney transplant, a liver transplant and a lung transplant, saved three lives. Those individuals met with the family of the donor to thank his family for his generous gift.

There are few things nobler than all of us have the ability to do than to be a donor. This action creates a miracle and allows the donor to save several lives.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Julie Mogensen, Dee John and John LaRue.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Virginia Valentine.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to First Lady Dawn Gibbons, Jessica Drossulio, Susan Droussulio and Dr. Trudy Larson.

Senator Horsford moved that the Senate adjourn until Thursday, February 12, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 11:42 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate