

**THE SIXTEENTH DAY**

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CARSON CITY (Tuesday), February 17, 2009

Senate called to order at 11:16 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gary Gryte.

Father in Heaven, we come to You, again, today asking for the wisdom and strength to treat those we lead with the same grace and compassion by which You treat us.

Help us to love each other in this Chamber as we love ourselves. You have asked this of us as our highest challenge and privilege.

Be with our families today. On this earth, they are the closest to our soul. Care for them as we go about our tasks.

We ask Your beloved approval of our requests in the Name of Jesus.

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.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Health and Education, to which was referred Senate Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which was referred Senate Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERRY CARE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 16, 2009

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 7.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: ASSOCIATED PRESS: Rachelle Gines; LAS VEGAS REVIEW-JOURNAL: Ed Vogel;

LIBERTY AND JUSTICE FOR ALL TV: Daniel Joseph; MRJERZ.ORG: Ryan Jerz; RENO GAZETTE-JOURNAL: Tammy Krikorian, YE OLDE MORGUE: Robert W. Mulvana.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator McGinness:

Senate Bill No. 142—AN ACT relating to crimes; establishing the crime of criminal gang recruitment; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 143—AN ACT relating to state financial administration; creating a subcommittee of the Interim Finance Committee to oversee the use of money allocated to the State from the Federal Government to stimulate the economy; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 144—AN ACT relating to explosives; setting forth the primary responsibilities of a public safety bomb squad; providing that a public safety bomb squad is the sole entity having jurisdiction to engage in activity as a public safety bomb squad under certain circumstances; requiring a public safety bomb squad to comply with certain national guidelines to the extent practicable; requiring the reporting of each actual or suspected improvised explosive device; prohibiting a person from preventing or obstructing a public safety bomb squad or bomb technician from engaging in certain actions; providing a penalty; and providing other matters properly relating thereto.

Senator Amodei moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

By Senator Schneider:

Senate Bill No. 145—AN ACT relating to motor vehicles; making a person's failure to wear a safety belt in a motor vehicle a primary offense for which the vehicle may be halted and the violator arrested; making various other changes regarding the use of safety belts in motor vehicles; providing for the imposition of an increased fine for subsequent violations; and providing other matters properly relating thereto.

Senator Schneider moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 46.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Mr. President announced, according to Senate Standing Rule No. 23, the following appointments to the Senate Committee on Ethics. The first named Senator is the chair, and the second-named Senator is the vice chair.

Senators Care, Raggio, Schneider; former Senators Joseph Neal, Mark James, Thomas "Spike" Wilson and alternates; Senators Amodei, Woodhouse; former Assemblyman Bob Seale and Aaron Ford.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:27 a.m.

SENATE IN SESSION

At 11:31 a.m.

President Krolicki presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 17, 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. 6.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 6—Memorializing banking pioneer and lifelong Nevadan Gino Del Carlo.

WHEREAS, The members of the Nevada Legislature note with sorrow the passing of Gino Del Carlo on October 6, 2007, at the age of 61; and

WHEREAS, Gino Del Carlo was born in Virginia City on March 23, 1946, attended schools in his historic birthplace and graduated from the University of Nevada; and

WHEREAS, This honorable Nevadan heroically served his country as a captain in the United States Army, earning two Bronze Stars and two Purple Hearts as a helicopter pilot in the Vietnam War; and

WHEREAS, As a civilian, Gino Del Carlo continued to lead by example, working for the betterment of his community with allegiance and pride as a member of several organizations, including the Rotary Club of Reno, for which he served as President from 1983 to 1984; and

WHEREAS, The impressive career of this strong advocate of credit unions and firm believer in the power of grassroots advocacy spanned 35 years in Nevada banking, the last 13 of which he spent as the Chief Executive Officer of the Great Basin Federal Credit Union, where he left a legacy of a supportive culture in which both employees and members continue to grow, learn and succeed; and

WHEREAS, This adventurous spirit's love for the majestic Sierra Nevada beauty of his home state led him to become the 380th conqueror of the 165-mile Tahoe Rim Trail at the age of 59 alongside his son, Gino Joseph; and

WHEREAS, Always having a pleasant greeting and something upbeat to say, Gino Del Carlo was a friend and an inspiration to the community at large as well as anyone fortunate enough to have been acquainted with him; and

WHEREAS, This dedicated husband, father and grandfather left behind his best friend and loving wife Sara, his son and outdoor adventure partner Gino Joseph and his wife Nicole, his daughter Elizabeth and grandson Leo Lucca, as well as his mother Lora and seven brothers; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Session of the Nevada Legislature do hereby extend their earnest condolences to the family of Gino Del Carlo, whose infectious grin will be missed by his colleagues and countless friends; and be it further

RESOLVED, That Gino Del Carlo will be remembered by all who knew him as a tremendous leader, visionary and friend; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Gino's wife Sara, son Gino Joseph, daughter Elizabeth and mother Lora.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio and Amodei.

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

SENATOR RAGGIO:

Gino Del Carlo was a unique individual. Anyone who served in this legislative body for any number of years knew Gino Del Carlo. We were saddened by his passing on October 6, 2007.

The resolution tells how Gino was a war veteran. He was also a veteran banker and involved in credit unions.

Next to the Mackay family, the history of the Del Carlo family is one of the best known in Virginia City. The Del Carlo family has been involved in the affairs of the Comstock for at least a century. In Virginia City, if there was anything you needed done, it was important to get in touch with one of the Del Carlos.

Gino was one of a large, tight-knit family. He was fun to be with, a great person to be around. He was an outstanding individual, a good husband and father. One thing that stands out in this resolution is that during the last years of his life, when he was suffering during his illness, he still went out with his son to walk the Tahoe Rim Trail, which is a tough walk.

Gino was an individual who was involved. He was in the Rotary Club and was active in many of their projects. He was an ardent Rotarian. If there were other causes in the community, you could count on Gino being involved. He never sought recognition, but he made a difference.

Let us pause and honor him, today, for his service not only for his efforts in this legislative process but in his home, Virginia City, and for the interests he served and worked with in the State of Nevada.

SENATOR AMODEI:

Thank you, Mr. President. Gino is the type of person we talk about as the fabric of the community. He came from the home of the Muckers in Virginia City. Part of what makes the history of a community is the people who care about people, about business, about their community and their state. One of those people was Gino. He was a great person, always knowledgeable. He never asked you to do something for him just because of who he was. He was well versed and always had the facts to give you to get the job done he wanted you to do. I felt comfortable talking with him when he needed help counseling some of his younger siblings.

I join with my colleague in supporting the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:42 a.m.

#### SENATE IN SESSION

At 11:45 a.m.

President Krolicki presiding.

Quorum present.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 17, 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. 7.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7—Designating the month of September 2009 as National Indoor Toxic Mold Awareness Month.

WHEREAS, People of all ages and backgrounds throughout the world have developed illnesses because of exposure to indoor toxic mold, and it is estimated that 500,000 deaths occur annually in the United States as a result of such exposure; and

WHEREAS, Most molds produce mycotoxins, which are toxic vapors created by mold spores, that are poisonous to humans and animals, and have even been used as biological weapons in war; and

WHEREAS, Aflatoxins are mycotoxins that are among the most carcinogenic substances known, and the United States Food and Drug Administration has enforced regulatory limits on aflatoxin concentrations in foods and feeds since 1965; and

WHEREAS, Mycotoxins enter the body through inhalation, ingestion or contact with the skin and can result in a multitude of symptoms, including, but not limited to, dermatitis, cough, rhinitis, nosebleeds, cold- and flu-like symptoms, headache, general malaise and fever; and

WHEREAS, Mycotoxin exposure can lead to toxic injury that may include multiple potentially life-threatening illnesses, affecting the skin and the nervous, vascular, respiratory, digestive, reproductive, urinary and immune systems, as well as forming cancers within the body; and

WHEREAS, Certain species of molds, referred to as "body temperature molds," can live and grow inside the human body, causing recurring infections and numerous other health problems as well as death; and

WHEREAS, Mycotoxin Toxic Exposure Injury is a chronic, debilitating condition causing serious economic, employment, housing, health, social and other consequences, including death; and

WHEREAS, While there is no practical way to eliminate all molds and mold spores in the indoor environment, indoor mold growth can be curtailed by controlling moisture and ensuring that any damp or wet building materials and furnishings are cleaned and dried within 24 to 48 hours to prevent mold growth; and

WHEREAS, National Indoor Toxic Mold Awareness Month is an opportunity to bring greater attention to the need for further education and consumer awareness about molds and mycotoxins; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 75th Nevada Legislature designates September 2009 as National Indoor Toxic Mold Awareness Month; and be it further

RESOLVED, That the Legislature recognizes that by increasing awareness about indoor toxic mold, we can prevent needless hazardous conditions that take the lives of thousands every year and adversely affect the health and well-being of many more.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senators Woodhouse and Coffin.

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

SENATOR WOODHOUSE:

The purpose of this resolution is to make the people of Nevada more aware of the potential of the dangers of toxic mold. It is difficult to determine the extent of cases caused by toxic mold because it is often hard to detect and its harm is sometimes attributed to other sources and diseases.

Mold has learned to survive for years in cramped dark spaces, lying dormant. Eventually, either water or air will activate the mold. It thrives on cellulose, building materials dampened by rain from leaky roofs or pipes.

These potential killers lie inside walls, beneath ceiling tiles or near sewage pipes and air vents ready to be activated by drips from leaky air conditioners or roofs. As the host colony's growth is triggered by water, they send out millions of spores that often look like dust and then become their own colonies. These colonies can thrive in houses, apartments or commercial buildings where they can become an extreme health hazard to the residents or occupants.

This resolution is patterned after one from the State of Georgia where a mold-awareness campaign has been extensive. It is hoped that this resolution will have the effect of warning the people of Nevada of the potential dangers of toxic mold.

Toxic mold, once detected, can be safely removed by disinfecting processes by commercial companies.

Assemblyman Lynn Stewart requested this resolution as a fulfillment of a promise he made to a small group of constituents who suffered from the devastating effects of toxic mold causing serious health problems and in one case death. He has promised them that he would warn others about the mold and its deadly effects. I support him in this effort. He will accept this resolution on their behalf and will see that they will receive it.

Thank you.

SENATOR COFFIN:

Thank you, Mr. President. I have personal experience with mold. We had it in our home in Las Vegas. You would not think you would find it in a dry climate like Las Vegas, but it did enter our home and developed a significant penetration.

Mold came into our home through insidious ways. There was water from the outside hitting our house; a leak in the air conditioning system brought mold into the home. It was then picked up inside the system and spread throughout the house. We did not know it was there until our family's health was affected. We discovered the mold by accident in one location. We had an expert check it and found that we had a lot of mold. It was serious, and as we traced back through our family health history, we could see what it had done.

It makes you feel guilty because the condition of your home is affecting your family's health and you did not do anything about it. Not knowing is not an excuse.

A home with this condition creates psychological difficulties and physical difficulties. This was in 2002 when this happened. After a new mortgage on our home, we were able to pay for the repairs. We filed a claim with Travelers Insurance Company, but there was fine print in the policy that would allow them to deny the claim. We did not agree, but the insurance company in its infinite wisdom fought us all the way and won, as insurance companies do when they do not want to pay claims. They had losses in Texas, and they felt the mold must be everywhere, and they would deny every claim.

In 2003, I brought a small bill to this House not to benefit myself because the time had long past but to conduct a study relating to mold in structures. The bill never got anywhere. The

Contractors Board through their agent testified against it. I do not know how they managed to get the Contractors Board involved, but they did. The bill was killed in the Senate.

This is a fine resolution and one we should adopt. I am sorry to say it may be the strongest piece of legislation we may bring about in regard to mold because it is amazing how the interest groups rise up to fight progressive legislation. I will endorse this and encourage you all to check your own houses to be certain they do not contain this infestation. I hope our constituents are treated better by the insurance companies than I was. Senator Woodhouse, you have raised the profile about this issue. Perhaps at a future Session, this issue may arise again and I will be able to help.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Tom Chase, Dr. Carl Heard, Dr. Michael Rodolico, Linda Costa, Keith Clark, Loren Ellery, Erin Brooks and Adia Brooks.

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

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Sara Del Carlo, George Del Carlo, Carol Ingalls, Van Del Carlo, Dennis Flannigan, Tony Lopez, Elizabeth Hadler and Jennifer Denoo.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Holly Welborn and Annette Magnus.

Senator Horsford moved that the Senate adjourn until Wednesday, February 18, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 11:56 a.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*