

FEBRUARY 25, 2009 — DAY 24

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 25, 2009

Senate called to order at 11:14 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Dr. John Yacenda.

Heavenly Father, may February 25th be Your day in the Nevada Senate.

I lift up in prayer, the Lieutenant Governor, the Leadership of the Senate, Nevada's Senators, their staff and the Legislative Police.

Father, give them all the courage, strength, knowledge and understanding to conduct the business of the State so important to Nevadans.

In the Name of Jesus, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Care 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 Energy, Infrastructure and Transportation, to which were referred Senate Bills Nos. 9, 27, 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Energy, Infrastructure and Transportation, to which was referred Senate Bill No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Judiciary.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 24, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 172; Initiative Petition No. 1.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

JOURNAL OF THE SENATE

COMMUNICATIONS
 CONGRESS OF THE UNITED STATES
 HOUSE OF REPRESENTATIVES
 WASHINGTON D.C. 20515-2802

February 24, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, State of Nevada Senate,
 Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR HORSFORD:

This letter serves as a formal request to address the joint session of the Nevada Legislature on Tuesday, April 14, 2009, at 1 p.m. It is my understanding that this date and time are available.

Should you have any questions or comments, please contact my district director, Verita Black Prothro, at 775-686-5760.

I thank you in advance for this august opportunity.

Sincerely,
 DEAN HELLER
Member of Congress

WAIVERS AND EXEMPTIONS
 NOTICE OF EXEMPTION

February 24, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 81.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 53, 135.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Raggio, Amodei, Breedon, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Rhoads, Schneider, Townsend, Washington, Wiener, Woodhouse; Assemblymen Goedhart, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury:

Senate Concurrent Resolution No. 11—Memorializing former state Senator Richard E. Blakemore.

WHEREAS, The members of the Nevada Legislature mourn the loss of one of their former colleagues, former state Senator Richard E. Blakemore; and

WHEREAS, Born in 1922, in Parsons, Kansas, and then coming of age in southern California, Rick Blakemore joined the United States Navy in 1940, served aboard the U.S.S. Saratoga in the Pacific Theater during World War II and discovered his love of flying in his post as a turret gunner; and

WHEREAS, Upon his military discharge in 1946, Rick continued his flying career by completing high altitude surveys across North and South America, finally settling in Nevada, where he established the Mustang Charter Air Service in Tonopah; and

WHEREAS, Rick was active in his community as a member of the Veterans of Foreign Wars, the Elks, the Masons, the Kerak Temple of the Shrine and the Nye County Democratic Central Committee, and also served on the Nye County Hospital Board and as president of the Lions' Club and the Nye County Chamber of Commerce; and

WHEREAS, Serving the residents of the State of Nevada, representing the Central Nevada Senatorial District as State Senator from 1972 to 1984 and as a member of the Legislative

Commission from 1979 to 1983, Senator Blakemore's tenure included six regular and two special legislative sessions; and

WHEREAS, Senator Blakemore was so passionate about states' rights that he is widely acknowledged as the father of the Sagebrush Rebellion; and

WHEREAS, Senator Blakemore also worked tirelessly for workers' and veterans' issues during his time in the Legislature, clearly where he was ahead of his time in his support of alternative energy, sponsoring multiple proposals to encourage alternative, particularly solar, energy development in Nevada; and

WHEREAS, Nevada's political and business communities are saddened by the passing of Senator Blakemore in Hawthorne, Nevada, on December 31, 2007, at the age of 85; and

WHEREAS, Rick is survived by his wife of 49 years, Angie, and his five children, Jann Van Horn, Karen Moore and Rick, Brian and John Blakemore, along with nine grandchildren; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 75th Nevada Legislature offer their deepest condolences to the beloved family members of Richard E. Blakemore; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Rick's beloved wife Angie.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio, McGinness and Coffin.

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

SENATOR RAGGIO:

Thank you, Mr. President. It is fitting that the Senate takes a moment to memorialize a former member of the Senate. It is a privilege for me to speak on behalf of this resolution and to memorialize the life of former Senator Richard E. Blakemore who we knew as Rick.

Rick and I came to the Senate on the same day in 1972. Rick represented central Nevada. He came from Tonopah. His background was extraordinary. He was born in the Midwest, in Kansas. He moved to southern California and joined the Navy in 1940. His naval experience was always a great part of Rick. Since he was the Senate representative for all of central Nevada, he established the Mud Lake Navy. If he liked you, you became an officer in the Mud Lake Navy. He was the admiral. I became an officer, and we performed our duties to the best of our ability.

Rick was an enthusiastic pilot. He received training as a turret gunner during the war and served on the U.S.S. Saratoga. His love for flying was the reason he moved to Tonopah. The old Army-Air Force Field, a large field, was taken over by Rick when he established the Mustang Charter Air Service. I think he named it the Mustang Charter Air Service because his colleague, Floyd Lamb, hated mustangs.

In his years in the Senate, he was an ardent supporter of veterans' rights. At one point in his career, he was supportive of union measures until something happened and they did not support him when he ran for something. After that, they could not get into his front door.

He was way ahead of his time on alternative energy. He was an advocate of solar energy and used to press us about establishing as an energy alternative source.

He was a strong advocate of the issues in central Nevada. In the early years, here, we had little in the way of partisanship or sectionalism in this body. We worked together. We never really had fights about issues that were partisan. Rick Blakemore was a strong voice and represented his constituents as well as any member of the Legislature in my memory.

I remember one incident. He had a motorcycle, and he brought his motorcycle here, and he prevailed upon the Department of Motor Vehicles to establish a special plate for a motorcycle so that it had his State Senate plate in miniature on his motorcycle. He proudly displayed that when he brought it into the Senate and put it on his bike. It was about three nights later that his motorcycle was stolen. He never recovered it and never bought another one.

Let us pause today and remember Rick's service to the State, to his constituency and to the legislative process. Though born in Kansas, he was a hardened Nevadan and was a distinguished State Senator. Join me in remembering him. He was part of the heritage of this body.

SENATOR MCGINNESS:

Thank you, Mr. President. I encourage my colleagues to support this resolution. Rick and Angie are constituents of mine. Although, I had heard about him, I had not served with him in this body. My father-in-law was a pilot. When he would travel back and forth across Nevada, he would stop and visit with Rick Blakemore.

I did not know he was born in Kansas. My mother was also born in Kansas. They make better Nevadan's.

It did not say in the resolution that he was shy. As a constituent, I heard from him a lot. He would see a bill, and he would call me at home on the weekends and would tell me what he thought of it.

As a constituent and as a friend, I urge your support of this resolution.

SENATOR COFFIN:

Thank you, Mr. President. I knew Rick Blakemore well. Not being an officer in the Mud Lake Navy, I cannot speak for the abilities that were spoken of by Senator Raggio on behalf of the unit. But, I trust that he gave an accurate depiction of events.

I want to say that as a freshman Assemblyman in 1983, Blake adopted me. I stayed in the Ormsby House, when it was an inhabitable building, and since we were paid as generously as we are today, some of us had to have outside income in addition to our senatorial income. Frequently, Rick would be on the floor working in the Ormsby House with security or doing something to help make ends meet to help send food home to Angie. We became good friends.

He had a lot of advice and continued to give advice, as was pointed out by Senator McGinness. I knew Rick before he served here. In the late 1960s and 1970s, when I was active in Democratic Party politics, I met him but did not realize the extent of his wisdom until we became good friends. Though we did not serve together in the same House, we were colleagues in the Legislature. He always had salty remarks, a Navyesque-way of speaking about things. He did not fail to call things as they were. Maybe his style rubbed off on this junior Legislator, but I never felt there was any harm in being a little like Blakemore because he had a view of the world that was common sense and down to earth. It was born from the Greatest Generation's outlook on life. I was pleased to have had access to that and to be influenced by Rick Blakemore, may he rest in peace. We are blessed for having known him.

Resolution adopted.

Senator Raggio moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 11 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Senate in recess at 11:31 a.m.

SENATE IN SESSION

At 11:35 a.m.

President Krolicki presiding.

Quorum present.

By the Committee on Legislative Operations and Elections:

Senate Resolution No. 4—Providing for the appointment of an additional attache for the Senate.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That Janet A. Sherwood is elected as an additional attache of the Senate for the 75th Session of the Nevada Legislature.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senator Woodhouse.

Resolution adopted.

Senator Schneider moved that Senate Bill No. 51 just reported out of committee be rereferred to the Committee on Judiciary.

Remarks by Senator Schneider.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 25, 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. 9.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 9—Memorializing longtime Reno lawyer, civic leader and philanthropist William O. "Bud" Bradley.

WHEREAS, The members of the Nevada Legislature are saddened by the passing of William O. "Bud" Bradley, longtime Reno lawyer, civic leader and philanthropist; and

WHEREAS, Bud Bradley, a native of White Pine County, was born on February 27, 1924, and attended Stanford University until his duty to serve his country compelled him to join the United States Navy Air Corps as a pilot and flight instructor in World War II; and

WHEREAS, Upon his return to Nevada after the war, Bud graduated from the University of Nevada, Reno, and went on to obtain a law degree at George Washington University Law School in 1950, met his future wife Joan Sheaff of Holcomb, Illinois, and opened a law office in Reno a mere five years later; and

WHEREAS, While first specializing in water rights law, Bud expanded his law firm, known today as Bradley, Drendel & Jeanney, so much so that the firm continues to be a leader in the representation of injured persons; and

WHEREAS, Bud was recognized by his colleagues as one of the top 100 lawyers in America and was inducted into The Inner Circle of Advocates in 1972; and

WHEREAS, Bud was an original trustee of the Reno Air Racing Association and the philanthropic organization, the E.L. Cord Foundation, which has distributed millions of dollars to charitable groups in northern Nevada; and

WHEREAS, Bud was honored for his civic leadership, particularly in education, when the University of Nevada, Reno, presented him with an Honorary Degree of Doctor of Laws in May 1993; and

WHEREAS, Preceded in death by Joan, his wife of 50 years, Bud passed away at home on January 17, 2008, at the age of 83; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Nevada Legislature offer their deepest condolences to the surviving family members of Bud, including his beloved sons Bill and Joe Bradley, and daughter Elizabeth Thomas; and be it further

RESOLVED, That Bud will be remembered as an extremely accomplished lawyer who continually worked to improve the communities of northern Nevada, as a role model in civic leadership and philanthropy, and as a true friend to Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bud's children, Bill, Joe and Elizabeth.

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 am privileged to speak to this resolution. We all knew William O. Bradley as "Bud."

Bud Bradley was someone who was not only an eminent lawyer, a philanthropist but also a dear friend. Bud and I met before he went to law school, right after his military service and after I returned from service in WWII. We started at the same time in the law business. We each hung out a shingle and neither of us knew what direction we would go. He was smart enough not to go into politics. I must commend him for that.

Bud went on to establish a law practice, which today is the Bradley, Drendel and Jeanney Law Firm. It is one of the most prestigious law firms in the Country dealing with plaintiff rights and plaintiff litigation. He was a lawyer's lawyer, a tradition carried on today in the firm.

He was one of the early lawyers who saw the value and appreciated the need that demonstrative evidence was an important part of presenting a case to a jury. Bud Bradley got some tremendous verdicts and made some great law for this State. Everyone got his full effort, and through his practice, he became a mentor for many lawyers who have followed in his footsteps throughout the years. He was recognized as one of the top 100 lawyers in America. In 1972, he was inducted into the Inner Circle of Advocates. He was deserving of this recognition.

He was more than a lawyer. Through his friendship and representation of E.L. Cord, who also served in this body as a Senator from Esmeralda County, Bud was named as trustee for the E.L. Cord Foundation. Bud was active in the Foundation and saw to it that the Foundation funded hundreds of activities and causes in the State. The E.L. Cord Foundation remains one of the more prominent charitable foundations in our State largely through the initial efforts of Bud and, now, his son, who has succeeded him in that position.

Bud was active in the community. He was the definition of a "mover and shaker" in our area. He was one of the early organizers of and participants in the Reno Air Races. He was involved in many other activities in the area as well.

He had a great wit and could coin a phrase. He was clever. It was always a pleasure to be with Bud. I used to play Gin Rummy with him. He won hundreds of dollars from me over the years. He was a good Gin Rummy player.

He loved his family. His wife, Joan, passed away before him, and they had been married for 50 years. He had a great love of family, love for this State and a love for his profession. He was a great contributor as well through his role as a plaintiff's litigator and played a role in much of the legislation that took place in this body.

Today, I join with all of you in memorializing a great Nevadan, philanthropist and good family man, Bud Bradley.

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 11:47 a.m.

SENATE IN SESSION

At 11:50

President Krolicki presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Hardy:

Senate Bill No. 158—AN ACT relating to tax increment areas; providing that money raised in certain tax increment areas created to specially benefit

the principal campus of the Nevada State College must not be used to replace or supplant money available to the College from other sources; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cegavske, Raggio, Nolan, Lee, Copening, Amodei, Breeden, Care, Carlton, Hardy, Mathews, McGinness, Parks, Rhoads, Schneider, Townsend, Washington, Wiener, Woodhouse; Assemblymen Anderson, Gansert, Cobb, Settlemeyer, Christensen, Goedhart and Mastroluca:

Senate Bill No. 159—AN ACT relating to health; requiring the State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Health and Education.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 160—AN ACT relating to the Legislative Department of State Government; implementing the constitutional doctrines of separation of powers and legislative privilege and immunity by codifying in statutory form the constitutional right of State Legislators to be protected from having to defend themselves, from being held liable and from being questioned or sanctioned in administrative or judicial proceedings for speech, debate, deliberation and other actions performed within the sphere of legitimate legislative activity; confirming that the constitutional doctrine of legislative privilege and immunity provides a testimonial privilege and an evidentiary privilege; revising provisions of the Nevada Ethics in Government Law to comport with the constitutional doctrines of separation of powers and legislative privilege and immunity; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 172.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Initiative Petition No. 1.

Senator Care moved that the petition be referred to the Committee of the Whole.

Motion carried.

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

Motion carried.

Senate in recess at 11:55 a.m.

SENATE IN SESSION

At 12:01 p.m.

President Krolicki presiding.

Quorum present.

UNFINISHED BUSINESS SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Angela Blakemore, Brian Blakemore, Catherine Blakemore, John Blakemore, Jann Van Horn, Bill Bradley, Joe Bradley, Elizabeth Thomas, the following students, chaperones and teachers from the Roy Gomm Elementary School: Salina Alavi, Johnnye Bartlett, Tyler Black, Andrew Brookshank, Conner Bryan, Luke Coley, Olivia Devia, Noah Drymalski, Brandon Foster, Josh Foster, Olivia Gamboa, Lana Gomez-Rauw, Chris Gonfiantini, Karly Hand, Kyra Hunsberger, Reiss Jensen, Moriah Jickling, Cameron Jones, Jennifer Merkin, Leah Paquette, Zerick Anthony Patriani, Marcella Peek, Henry Pendleton, Madison Schuster, Eric Spitzer, Austin Whan, Kaylie Baker, Aaron Bauman, Hunter Brown, Kyle Caselli, Colby Daliposon, Teah Escalante, Samantha Fielder, Brooks Garcia, Alexis Jacinto, Rylee Jackson, Andy Johnston, Lara Jones, Kristina Lorenzetti, Jeron Martinez, Jenna Matthews, Alex O'Halloran, Daniel Ohlson, Justine Parra, Max Richman, Peter Rutherford, Cassidy Ruward, Sydney Smyth, Chase Staup, Amelia Suro, Andrew Swackhamer, Isabel Albright, Jean-Gabriel Atlan, Mathew Barnard, Erik Beidle, Alexandra Boyden, Sarah Cooper, Joshua DeGeus, Earl Fegert, Mason Gill, Tristan Gurnea, Alexa Hoops, Lauren Lim, Abigail Murphey, Kyle Rose, Scott Sax, Sarah Smith, Lizzy Stevenson, Megan Story, Nik Swednseid, Alex Tay, Marjorie Williams, Greg Woolsey, Nick Zanchetta, Sophie Ziegler, Rachel Pittman; chaperones: Karen Bryan, Wendy Hand, David Jickling, Tammy Jackson, Char Spoon, Kimberly Richman, Mary Story, Paige Stevenson, Monique Tay; teachers: Sonya Campbell, Jackie Borsum and Karri Woodhead.

Senator Care moved that the Senate adjourn until Thursday, February 26, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 12:03 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate