

**THE TWENTY-NINTH DAY**

---

CARSON CITY (Monday), March 2, 2009

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

President Krolicki presiding.

Roll called.

All present except Senator Hardy, who was excused.

Prayer by the Chaplain, Pastor Louie Locke.

Let us pray,

Lord, as we gather today, we call upon Your Name, knowing that the Psalms declare, "The Lord is near to all who call upon Him, to all who call upon Him in truth."(*Psalm 145.18*)

We call upon you on behalf of the people of our State that we might live quiet and peaceable lives. On behalf of our Legislators, grant them wisdom and knowledge in all things and bless their families;

On behalf of our national leaders, give them wisdom. May they seek You to make good decisions. On behalf of our military, protect them as they serve our Country.

Lord, we give You thanks and praise.

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 Energy, Infrastructure and Transportation, to which was referred Senate Bill No. 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 34, 44, 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERRY CARE, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 38, 39, 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Concurrent Resolution No. 12—Urging the promotion of physical fitness in the schools and urging the Department of Education to employ or consult with a physical education coordinator.

WHEREAS, Over the past 30 years, the prevalence of overweight children and youth has risen dramatically and obese youth are more likely to become obese adults with an impact on their physical and emotional well-being as well as increased health care costs; and

WHEREAS, Children and youth who lack physical activity in earlier years experience less alertness and decreased productivity in the classroom, are inhibited in their social and emotional development and have an increased likelihood of continued lack of physical activity as an adult; and

WHEREAS, Health is not just the absence of disease but is a complete physical, mental and social state of well-being that includes several components such as physical activity and physical education as well as healthy eating habits; and

WHEREAS, Regular physical activity is associated with a healthier, longer life and a lower risk of cardiovascular disease, high blood pressure, diabetes, obesity and some cancers; and

WHEREAS, Healthy children are healthy learners and staying fit in youth helps to maximize each child's education as well as maximize a lifetime health potential; and

WHEREAS, Studies have linked increased physical fitness in the schools with improvements in academic performance, including increased concentration and motivation to learn, higher test scores and reduced disruptive behaviors in the classroom; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 75th Session of the Nevada Legislature hereby urge the school districts to promote physical fitness in the schools to reduce obesity and to encourage healthy lifestyle choices by expanding high-quality programs of physical education during each school day; and be it further

RESOLVED, That the Department of Education is hereby urged, to the extent money is available, to employ or consult with a physical education coordinator to:

1. Provide guidance and technical assistance to the school districts as they implement the physical education standards adopted by the State Board of Education; and

2. Provide assistance and professional development opportunities to physical education teachers in the planning, development, implementation and evaluation of high-quality, evidence-based physical education programs; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Superintendent of Public Instruction, each county school superintendent for distribution to the schools within the school district, Nevada Parent Teacher Association for distribution to its members, Director of the Advocacy and State Health Alliances with the American Heart Association and the President of the Nevada Association for Health, Physical Education, Recreation and Dance.

Senator Wiener moved the adoption of the resolution.

Remarks by Senator Wiener.

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

Senate Concurrent Resolution No. 12 communicates a clear need for the promotion of physical fitness in our schools. At the same time, Senate Concurrent Resolution No. 12 urges the Department of Education to make a significant commitment to physical education statewide through the utilization of a physical-education coordinator.

In Senate Concurrent Resolution No. 12, we learn that the prevalence of overweight children has risen substantially during the past three decades. From the onset of this physical challenge, obesity can cause, or significantly affect, nearly every major health condition from cardiovascular disease to diabetes to some cancers. Obesity can also dramatically and negatively affect a child's emotional well-being and learning potential. Obesity also imposes other horrific burdens, such as its immeasurable blow to the cost of health care for the children and their families as well as for entire communities.

Unfortunately, according to research, obese youths are likely to become obese adults. The health burdens on these individuals and other costs to entire communities can continue for decades beyond.

As I have said before, healthy children are healthy learners. By becoming and staying fit in youth, children are able to maximize their own educational opportunities and energy to learn and grow in healthy ways physically, emotionally, and intellectually.

When we develop a daily pattern of physical activity, we are likely to continue these practices into our adult lives. This proactive fitness habit can help us in every aspect of our lives. It can allow us to make greater contributions to our own productivity and outcomes.

I take my own daily fitness program very seriously and am not shy about encouraging others to make healthy life choices.

For example, each year, I visit more than 3,000 children in my Senate District schools and any other schools that are kind enough to invite me. One of the messages I share with the children is simple, yet profound, "You are never too young," as I point to the children, "and never too old," as I point to myself, "to make healthy lifestyle choices. Starting right here right now!"

I am proud to bring this message to the Senate today. "Right here, right now" by supporting this two-part concurrent resolution.

First, we can encourage school districts to offer and promote rigorous and frequent physical-fitness activities for children in all of our schools.

Second, we can urge and encourage the Department of Education to utilize the assistance of a physical-education coordinator. This person would provide the needed expertise to our school districts—and our children—about how to maximize both instruction and implementation of the best possible evidence-based physical-education and physical-activity programs and practices.

Members of the Senate, it is probably obvious that I am passionate about providing our children with the opportunities and encouragement to make the healthiest life choices. It is for this reason, and so many more, that I encourage your support for Senate Concurrent Resolution No. 12.

Resolution adopted.

Senator Wiener moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 12 be immediately transmitted to the Assembly.

Motion carried unanimously.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Senators Woodhouse, Coffin, Wiener, Horsford, Breeden, Copening, Parks and Schneider:

Senate Bill No. 162—AN ACT relating to elections; revising the date of the primary election to the second Tuesday in June of each even-numbered year; revising the provisions governing the registration of voters by mail; and providing other matters properly relating thereto.

Senator Woodhouse moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Wiener and Assemblywoman Parnell:

Senate Bill No. 163—AN ACT relating to education; revising provisions governing safe and respectful learning environments in public schools to include a prohibition on cyber-bullying; requiring the standards of content and performance for courses of study in computer education and technology established by the Council to Establish Academic Standards for Public Schools to include a policy for the ethical, safe and secure use of computers and other electronic devices; revising certain prohibited acts to specifically include cyber-bullying; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Education:

Senate Bill No. 164—AN ACT relating to education; revising provisions governing the renewal of a written charter for a charter school; revising provisions regarding the membership of a governing body of a charter school; revising provisions governing reimbursement to sponsors of charter schools for certain administrative costs; revising provisions governing the regional training programs for the professional development of teachers and administrators; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 165—AN ACT relating to energy; requiring certain utilities that supply electricity in this State to include in the resource plan of the utility certain provisions relating to any future regulation of carbon emissions; 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.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 2, 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. 11.

DIANE M. KEETCH  
*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 11—Recognizes March 2, 2009, as "Read Across America" Day in Nevada in commemoration of Dr. Suess's birthday.

WHEREAS, Theodor Seuss Geisel was born on March 2, 1904, in Springfield, Massachusetts; and

WHEREAS, Theodor Seuss Geisel graduated from Dartmouth College in 1925 and began writing humorous articles and creating cartoons for various magazines; and

WHEREAS, His first children's book, *And to Think That I Saw It on Mulberry Street*, was rejected by 43 publishers until, in 1937, a friend published the book for him; and

WHEREAS, In May 1954, *Life* magazine published a report concerning illiteracy among school children, stating that, among other things, children were having trouble learning to read because the books were boring; and

WHEREAS, This comment inspired Theodor Seuss Geisel's publisher, Bennett Cerf, to compile a list of 400 words that he felt were important, asking Mr. Geisel to cut the list to 250 words, the number of words a first-grader could absorb, and using only those words, to write a book that would excite children; and

WHEREAS, Nine months later, Mr. Geisel, using only 220 of the words given to him, published *The Cat in the Hat*, which became an instant success; and

WHEREAS, In 1960, Bennett Cerf bet Mr. Geisel \$50 that he could not write an entire book using only 50 words, and from that challenge came the famous children's book *Green Eggs and Ham*, which was also an instant success; and

WHEREAS, From that point on, Theodor Seuss Geisel became known as "Dr. Seuss," and children became enthused about reading every Dr. Seuss book available; and

WHEREAS, Dr. Seuss died on September 24, 1991, but his legacy of children's books will live forever as an inspiration to children everywhere to learn to read and to share in the laughter, enjoyment and knowledge that a book can provide; and

WHEREAS, In honor of Dr. Seuss and the joy of reading, the National Education Association has designated March 2, 2009, as a special day in their program "Read Across America," the nationwide initiative that promotes reading every day; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 2, 2009, is hereby recognized as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday; and be it further

RESOLVED, That children and adults are encouraged to read a favorite book together on this date and share the joy of reading; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lynn Warne, President of the Nevada State Education Association, and Terry Hickman, Executive Director of the Nevada State Education Association.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senator Woodhouse.

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

## READ ACROSS AMERICA POEM

You're never too old, too wacky, too wild,  
 To pick a book and read with a child.  
 You're never too busy, too cool, or too hot,  
 To pick up a book and share what you've got.  
 In schools and communities,  
 Let's gather around  
 Let's pick up a book,  
 Let's pass it around.  
 There are kids all around you.  
 Kids who will need  
 Someone to hug,  
 Someone to read.

Come join us March 2nd  
 Your own special way  
 And make this America's  
 Read to Kids Day!

Today, we celebrate Read Across America Day, which has been sponsored by the National Education Association since 1998, as a day to celebrate reading. The day occurs each year on March 2 to correspond with the birthday of Theodor Seuss Geisel, who was born on March 2, 1904. After publication of the now famous children's book *The Cat in the Hat* in 1960, Geisel became known to children and adults worldwide as "Dr. Seuss."

I doubt there is a person in this room who is not familiar with Dr. Seuss' books. In fact, many of us probably have a personal favorite of his many books. One of mine is *Oh, the Places You'll Go!* Many people may know, too, that Dr. Seuss's first children's book, *And to Think that I Saw it on Mulberry Street*, was rejected by 43 publishers until, in 1937, it was published by a friend. Despite this initial setback, Dr. Seuss persevered in his efforts to combat illiteracy among schoolchildren.

Read Across America is a day to celebrate reading, to encourage teachers, students of all ages, librarians, actors, elected officials, business leaders, parents, athletes and grandparents to get involved in reading to children of all ages. This day is celebrated in classrooms across the Nation with special reading events, guest readers and free books for some fortunate children.

As a retired teacher, having taught over 500 first graders to read and having read to them each and every day of my 17 years in the classroom, I encourage each of you, my colleagues, to take the time to read to a child today, tomorrow, whenever you can. Volunteer at a local school to read to a class of students or donate new books to your local school library. I can guarantee you that teachers in year-round schools would welcome you to come read in their classrooms this summer when we return home. The enthusiasm of young children will inspire you.

When the children in the classic, *The Cat in the Hat*, surveyed the mess that Thing One and Thing Two had made, they said, "And this mess is so big and so deep and so tall, we cannot pick it up. There is no way at all." But, they did. Let that be an example for all of us as we endeavor to climb out of a similar mess this session.

If you think your voice will not make a difference, remember the one shirker from *Horton Hears a Who*. You will remember the words of the Mayor of Whoville:

"This," cried the Mayor, "is your town's darkest hour! The time for all Whos who have blood that is red to come to the aid of their country?" he said. "We've GOT to make noises in greater amounts! So, open your mouth, lad! For every voice counts!"

If you recall, their voices were finally heard.

In conclusion, I would like to share a message from *Oh, The Places You'll Go!*

Oh, the places you'll go! There is fun to be done!  
 There are points to be scored. There are games to be won.  
 And the magical things you can do with that ball  
 Will make you the winningest winner of all.  
 Fame! You'll be famous as famous can be,  
 With the whole wide world watching you win on TV.  
 Except when they don't.  
 Because, sometimes, they won't.  
 I'm afraid that some times  
 You'll play lonely games too.  
 Games you can't win  
 'cause you'll play against you.  
 All Alone!  
 Whether you like it or not,  
 Alone will be something you'll be quite a lot.  
 And when you're alone, there's a very good chance  
 You'll meet things that scare you right out of your pants.  
 There are some, down the road between hither and yon,  
 That can scare you so much you won't want to go on.

But on you will go  
Though the weather be foul  
On you will go  
Though your enemies prowl  
On you will go  
Though the Hakken-Kraks howl  
Onward up many  
A frightening creek,  
Though your arms may get sore  
And your sneakers may leak.  
On and on you will hike  
And I know you will hike  
And I know you'll hike far  
And face up to your problems  
Whatever they are.  
You'll get mixed up, of course,  
As you already know.  
You'll get mixed up  
With many strange birds as you go.  
So be sure when you step.  
Step with care and great tact  
And remember that Life's  
A Great Balancing Act.  
Just never forget to be dexterous and deft.  
And never mix up your right foot with your left.  
And will you succeed?  
Yes! You will, indeed!  
(98 and 3/4 percent guaranteed.)  
KID, YOU'LL MOVE MOUNTAINS!  
So...  
Be your name Buxbaum or Bixby or Bray  
Or Mordecai Ali Van Allen O'Shea,  
You're off to Great Places!  
Today is your day!  
Your mountain is waiting.  
So...get on your way!  
Dr. Seuss

Thank you, Mr. President.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Senate Bills Nos. 9, 27, 52, Assembly Bill No. 103 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 160.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolution No. 11; Senate Resolution No. 4; Assembly Concurrent Resolutions Nos. 9, 10.

## 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 Rachel Willimott and Tyler Roll.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to the following members and chaperones of 4-H: Dylan Wells Brown, Kayla Neilson, Noel Reich, Randy Tapia, Amanda VanPelt, Jennifer Lynn Isaak, Rachel Jeuxdevine, Megan Likens, Phoebe Mark, Olivia Pishnak, Jacob Roll, Celestina, Cubio-Torres, Connor Siggins, Desiree Moore, Travis Shelley, Andrew Ashbey, Thomas Boni, Jacob Blackburn, Elaina Dunn, Kalei Elliott, Phillip Farris, Kole Kingslien, Britney Klapper, Chris McGaw, David McGaw, Monica Molina, Colten Vessels, Kathryn Murdock, Jamie Schmidt, Savannah Drew; chaperones: Steve Schafer, Andrew Munk, Jennifer Klapper, Elizabeth Vessels, Tera Robinson, Pete Mangum and Lori Drew.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Danielle Monroe-Moreno and Georgie Zielinski.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Kenzie Wilson and Phillip Farris.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Hope Kinkade and Ashley Stevenson.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Amy Wines and Shelby Mangum.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Jackson Elly, Joseph Robertson and the following students, chaperones and teachers from the Donner Springs Elementary School: Michelle Langson, Montana Benninger, Kimberly Bowman, Thomas Brown, Felipe Cedillo, Johnathon Excell, Jessica Fraser, Sergio David Guajardo, Gage Gunzburg, Kasandra Houg, Taya Jenkins, Cheyenne Kenney, Natiana Marino, Kensington Kay McCarthy, Vanessa Najarro, Skyler Reed, Tristan Schoppe, Alyssa Terrazas, Alexander Thomas, Zonnie Thompson, Yazmine Turner, Christina Young, Paige Anderson, Taylor Davidson, Tyler Day-Rosza, Steven Davis, Tyiel Duvall, Sebastian Johnson, Destiny Kopal, Macy Laird-Skiles, Ashley Lawrence, Domenic Merritt, Celina Miley, Sydne O'Neal, Alex Parrott, Serena Poudrier, Nicole Rodriguez, Antonia Salas, Felicia Sanchez, Arlene Santiago, Harrison Schoppe, Hannah Stiffler, Terran Suarez, Austin Teng, Robert Tousley, Ashley Warren, Jacob Wilkinson, Agustin Zalazar, Carolina Alonso, Sara



Anguiano, Mariah Beaudette, Cierra Crill, Autumn Griffin, Bridget Hall, Jinayra Hernandez, Zevis Jacinto, Hanna Ludwig, Tony Maiorano, Samsom Moore, Austin Morgan, Redger Parker, Johanna Partoza, Kaimana Peredo, Logan Ramirez, Laura Reyes, Anjeanette Ruybalid, Rachel Sonerholm, Leonel Soto, Mezon Thompson, Isaiah Urquidez, Christian Ventayen, Lucio Alvarez Padilla, Leslie Ayon, Alexandra Cabral, Andrea Davis, Jose Gonzales, Tristen Doss, Kyleigh Edwards, Brandon Cristobal, Tristan Fisher, Joshua Hill, Melissa Jimenez, Deidrick Johnson, Bryanne Pepple, Bridget McLean, Scott Mitchell, Cara Morrison, Xenia Paz, Miguel Rojas-Duarte, Kyle Ross, Jakob Saffle, Sabrina Sholes, Allynn Wells, Alex Yanez, Caitlin Amburgey, Aileen Banks, Faith Beers, Natalie Biancone, Jocelyn Bolonos-Sanchez, Cameron Criss, Nathan Edwards, Brennan Gatlin, Jessica Harris, Elena Hughes, Timothy Johnson, Chance Korte, Giannah Luna, Eanerra Maestas, Ashley Maples, Angelina Moran, Angelo Nino-DeGuzman, Jasmin Ortega, Ryan Rasch, Roberto Solano, Dahlia Soledad, Derrick Stanton, Johnattan Villasenor, Tori Flaa; caparones: Rosa Garcia, Brandi Hayes, Martha Munoz, Marlin Amburgey, Erin Gatlin, Kim Beers, Mike Biancone, Brandee Solano, Aimee Kopal, Stephanie Davidson, Sarah Anderson, Tyler Flaar, Karla Cavajal, Laura Bonnell, Deleres Terrazas, Wayne Docktor, Natalie Jacinto, Veronica Toalson, Jose Barrera; teachers: Naomi Frazier, Jeanna Wu, Jamee Banta, Stacey Levy and Robert Shader.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Andi Bolstad and Chris Turk.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Keith Rheault, Nicole J. Smith, Dr. Monica A. F. Lounsbery, Victoria A. Lounsbery and Christopher Roller.

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

Senator Horsford moved that the Senate adjourn until Wednesday, March 4, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 11:49 a.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*