

**THE THIRTY-FIRST DAY**

---

CARSON CITY (Wednesday), March 4, 2009

Senate called to order at 11:19 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

O Holy Lord, You are great and worthy of praise. Who is the greatest? Your word says that if anyone wants to be first, they must be the very last and the servant of all.

We are here to serve; O Most High, to serve the people of the great State of Nevada, to serve one another without selfish ambition and position, but with humility and truth.

Create in us a clean heart, O God, and renew a right spirit within us.

Bless our families, our homes, our cities, our great State and God bless America! We pray for protection for our troops, who serve with honor, integrity and dignity while in harm's way.

May You give Your blessings and divine wisdom to us today and prepare our hearts to work together in unity and be glorified in all we do.

Lord, we give You thanks.

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 Legislative Operations and Elections, to which was referred Assembly Bill No. 78, 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, March 2, 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. 12.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, March 3, 2009

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 27, 132.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

## JOURNAL OF THE SENATE

COMMUNICATIONS  
 SUPREME COURT OF NEVADA  
 JAMES W. HARDESTY, CHIEF JUSTICE  
 CAPITOL COMPLEX  
 CARSON CITY, NEVADA, 89710

February 25, 2009

SENATOR STEVEN A. HORSFORD  
 SPEAKER BARBARA E. BUCKLEY

Nevada Legislature, Legislative Building, Capitol Complex,  
 401 South Carson Street, Carson City, Nevada 89701-4747

RE: State of the Judiciary Address, 2009 Legislative Session

DEAR SENATOR HORSFORD AND SPEAKER BUCKLEY:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Supreme Court in 2009, to address a joint session of the Legislature on the State of the Judiciary on March 24, 2009, at 12:00 p.m. The Court is hosting its annual reception for Legislators at 5:00 p.m on that evening.

Your joint consideration of this matter would be much appreciated.

Sincerely,

JAMES W. HARDESTY  
*Chief Justice*

WAIVERS AND EXEMPTIONS  
 NOTICE OF EXEMPTION

March 3, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 146.

GARY GHIGGERI  
*Fiscal Analysis Division*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford has approved the addition of Senator Woodhouse as a sponsor to Senate Bill No. 152.

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

Senate Concurrent Resolution No. 13—Urging colleges and universities in this State to establish campus safety programs for the prevention and intervention of violence.

WHEREAS, A recent study indicates that approximately 17 percent of all college students will experience some form of violence or harassment each year while on campus and 25 percent of college women report experiencing some form of violence or harassment while on campus during their college career; and

WHEREAS, Several factors have been shown to increase the likelihood of violence on college and university campuses, including personal, institutional, interpersonal and community factors; and

WHEREAS, According to the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention, the development and implementation of comprehensive programs to address the aforementioned factors and to promote campus safety greatly reduce the risk of violence on campus; and

WHEREAS, Effective programs to promote campus safety, including the prevention and intervention of violence, should be developed through the coordinated efforts of students, administrators, faculty and local law enforcement agencies; and

WHEREAS, Making administrators, students and faculty aware of the campus safety programs, including through direct communications and newspaper and radio announcements, is essential to ensuring the implementation of such programs; 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 recognize the importance of developing and implementing campus safety programs by colleges and universities to ensure the well-being of students; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature hereby urge the Nevada System of Higher Education, each institution within the System and each private institution of postsecondary education in this State to develop and implement campus safety programs which:

1. Address attitudes, beliefs and perceptions which contribute to violence;
2. Support healthy group norms, promote bystander intervention and set clear expectations for administrators, students, faculty and visitors to the campus;
3. Establish policies and procedures for addressing violence and train students and faculty to ensure that these policies are followed; and
4. Provide appropriate crisis management services to students and faculty; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Chancellor of the Nevada System of Higher Education, the chair of the Board of Regents of the University of Nevada for distribution to its members, the president of each institution of postsecondary education in this State for distribution to the persons at that institution who oversee student services and campus security, and the chief of police of each law enforcement agency in this State.

Senator Wiener moved the adoption of the resolution.

Remarks by Senators Wiener and Nolan.

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

SENATOR WIENER:

Thank you, Mr. President. I am proud to stand before the Senate today to express my support for Senate Concurrent Resolution No.13. This resolution urges colleges and universities throughout our State to establish campus-safety programs. This is an important commitment—at both the prevention and intervention levels. Such programs serve the best interests of our students and their loved ones, school personnel and entire communities.

Before I highlight why I support Senate Concurrent Resolution No.13, let me explain why I requested this particular resolution. It is tied to the Nevada Youth Legislative Issues Forum. We call it the Nevada Youth Legislature.

As you know, today is Nevada Youth Legislature Day in our building, and I would like to say thank you to my Senate colleagues for honoring the Nevada Youth Legislature today. On your desk, I have provided each Senator with the roster of this year's Youth Legislators and their appointing Senators. I would like these names to be included in today's Journal. Several of these wonderful youth leaders have joined us on the floor to celebrate Youth Legislature Day. In addition, many more will be joining us via videoconference from Elko and Las Vegas to participate in the hearing of Senate Bill No. 77. This is their own bill, which we will be hearing this afternoon in a joint meeting of the Senate Health and Education Committee and the Assembly Education Committee.

One component of the Youth Legislators' experience is the request for a bill draft. Each of the 21 Youth Legislators submitted a bill draft request (BDR), with an explanation of why he or she

wanted the entire Youth Legislature to support it as the Forum's BDR. Youth Legislator Kyle Denison, Senator Nolan's appointee, submitted a BDR to address safety issues at our campuses of higher education. When the Forum did not select his suggestion for their preferred BDR, I went to the table to assure Kyle that I would take his idea to the 2009 Legislature. I told the Youth Legislators that I was keenly interested in this issue. As you might recall, I chaired the Interim Study on School Safety and Juvenile Violence. As a response to Kyle's interest, and mine, I am presenting Senate Concurrent Resolution No.13 to the Senate.

Let me give a little perspective to this issue. Nearly two years ago, April 16, 2007, to be exact, Virginia Tech experienced the terror of a school shooting. This prolonged horror involved two separate attacks, approximately two hours apart. The perpetrator killed 32 people and wounded many others before committing suicide.

On February 14, 2008, a gunman opened fire on the campus of Northern Illinois University. He shot multiple people killing six and wounding 18.

In Nevada, we all remember with heartache, Brianna Denison. Brianna was a college student from Santa Barbara, California, who was visiting a friend in Reno in January 2008. Her friend lived near the University of Nevada campus. On January 20, 2008, Brianna disappeared. On February 15th, Brianna was found dead. It is Brianna's cousin, Youth Legislator Kyle Denison, who inspired Senate Concurrent Resolution No. 13. Nationally, approximately 17 percent of all college students will experience some form of violence or harassment each year while on campus and 25 percent of college women report experiencing some form of violence or harassment while on campus during their college career.

The response to the tragic incidents I have mentioned, and those we have not discussed, is far-reaching.

On February 3rd, of this year, the U.S. House of Representatives voted unanimously to pass the Campus Safety Act of 2009. This Act establishes a National Center for Campus Public Safety which is charged with helping colleges and universities respond to the security challenges of the 21st century. The Community-Oriented Policing Service program of the U. S. Department of Justice will administer the Center.

The program will offer grants to institutions of higher education and nonprofit organizations. These grants will help provide campus public safety agencies with training and education. It will engage in research to strengthen the safety and security institutions of higher education and coordinate campus-safety information.

I am confident that the Nevada Higher Education will apply for this kind of support. But, we do not need to wait for that process to unfold. Senate Concurrent Resolution No. 13 provides a substantial encouragement for the development and implementation of safety programs, right now.

The specific focus of programs at our campuses of higher education should address such factors as attitudes, beliefs and perceptions that contribute to violence. We also need programs that support healthy group norms and set clear expectations for administrators, students, faculty and visitors to campus.

And, of course, we need to establish clear and viable policies and procedures to address violence and train students, faculty and staff appropriately about how to implement these safety measures.

My Senate colleagues, it is for these reasons, and many more, that I encourage your support for Senate Concurrent Resolution No.13. Thank you.

SENATOR NOLAN:

Thank you, Mr. President. I rise in support of Senate Concurrent Resolution No. 13.

As my colleague has identified, my Legislative Youth Forum candidate came to me along with a dozen other potential candidates who were interested in participating in the Youth Legislative Forum. My selection was not based upon his relationship to this young lady nor did I know at the time when I picked him that he had any interest in promoting legislation to help prevent the type of tragedy that occurred to Brianna Dennison. After I met this young man and learned of his personal story, I knew this was something that was near and dear to him and to the northern Nevada community who lived through this tragedy week after week. Many of the

people in this part of the State became involved in the search for this young lady. It really hit home.

The resolution not only addresses that, but it also tries to prevent serious tragedies on our university campuses, like the ones that happened at Columbine and Virginia Tech.

During this last interim, we commissioned a staff study. I participated in the study with local law enforcement, university, community college and high school police departments, specifically, dealing with those types of incidents. These are referred to as active-shooter incidents. This is when someone gets on campus and tries to cause havoc with a firearm. Some bills we will be looking at this Session were spawned from those meetings. They will do exactly what this resolution addresses. We came up with a number of recommendations to prevent active-shooter situations with a number of recommendations of how staff should respond to those to minimize the number of casualties that might occur. We also addressed response by law enforcement on how to coordinate, especially in rural counties and in smaller schools that may not have the resources, swat teams and medical-response capabilities.

Out of all the tragedies we have seen nation wide, between the work Senator Wiener has done in the interim and the staff study, we are better prepared to protect our students and to help them do what they go to school to do, and that is to learn. I encourage your adoption of Senate Concurrent Resolution No. 13.

Resolution adopted.

Senator Wiener moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 13 be immediately transmitted to the Assembly.

Motion carried unanimously.

#### REMARKS FROM THE FLOOR

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

As part of the celebration of our Youth Legislature, I would like to thank all of the members of the Senate and Assembly who participated in the Youth Legislature's Orientation Program last summer. Thank you, Senators Randolph Townsend, Mike McGinness, Mark Amodei and Joyce Woodhouse for your contributions to the program. I would also like to thank, on the record, members of the Assembly as well, Speaker Barbara Buckley, Majority Leader John Ocegüera and Assembly members Bonnie Parnell, Debbie Smith and Lynn Stewart.

The Orientation Program was a tremendous accomplishment and an amazing way to commence the full year of activities for the Youth Legislators. I can assure you that this achievement did not happen in a vacuum. This is why I want to acknowledge the extraordinary work of Brenda Erdoes, our Legislative Counsel, and Rene Yeckley, Senior Principal Deputy Legislative Counsel. Their tireless and extensive commitment to the Youth Legislature along with many, many others from LCB who volunteered their time is the primary reason for the Gold Standard we have set—and achieved—with this program.

Knowing that this orientation program did set a high standard for our Youth Legislature and similar programs in other states, I submitted it for consideration in an international communications contest. Today, I am proud to present Brenda and Rene with a 2008 MarCom Award. The Youth Legislature's Orientation Program earned a prestigious Gold Award for its exemplary public service. I know, in some small way, this recognition validates the hundreds of hours that you have both devoted to the Youth Legislature. Thank you, Rene and Brenda.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Senate Bill No. 44 be taken from the Second Reading File and rereferred to the Committee on Finance.

Remarks by Senator Care.

Motion carried.

Senator Care moved that Senate Bill No. 139 be taken from the Second Reading File and rereferred to the Committee on Finance.

Remarks by Senator Care.

Motion carried.

Senator Care moved that Senate Bill No. 52 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Care.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Woodhouse and Assemblyman Stewart:

Senate Bill No. 166—AN ACT relating to state emblems; designates the Vivid Dancer Damselfly (*Argia vivida*) as the official state insect of the State of Nevada; and providing other matters properly relating thereto.

Senator Woodhouse moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Care:

Senate Bill No. 167—AN ACT relating to unclaimed property; revising provisions concerning reporting and notice requirements for unclaimed property; revising provisions concerning when certain unclaimed property must be delivered by the holder of the property to the State Treasurer; revising provisions concerning filing a claim for unclaimed property and receiving unclaimed property; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Care:

Senate Bill No. 168—AN ACT relating to pharmacy; requiring that the label of a prescription drug contain certain warnings; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 169—AN ACT relating to nonprofit associations; adopting the Revised Uniform Unincorporated Nonprofit Association Act of 2008; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 170—AN ACT relating to conduits; authorizing an entity that owns, operates or maintains a ditch to recover from certain persons the reasonable expense of any work performed by the entity that is necessary for the operation and maintenance of the ditch; providing for the imposition of a lien against any property to which water is delivered through the ditch; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 171—AN ACT relating to financial administration; creating the Nevada Autism Task Force; making an appropriation to the Department of Health and Human Services for certain programs for the study and treatment of autism; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 172—AN ACT relating to real property; exempting nonresidential subdivisions from certain provisions governing the sale of subdivided land; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Lee:

Senate Bill No. 173—AN ACT relating to local governmental planning; providing for the construction of bus turnouts at certain locations in certain counties; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 27.

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

Motion carried.

Assembly Bill No. 132.

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

Motion carried.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 4, 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. 12.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12—Honoring Nevadans who have lost their lives in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through Operations Iraqi Freedom and Enduring Freedom, 4,865 Americans have lost their lives, including 47 Nevadans; and

WHEREAS, The service of these men and women required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That we honor every American who served and extend our heartfelt condolences to the Nevada friends and family members of those who made the ultimate sacrifice; and be it further

RESOLVED, That we continue to honor those recognized in previous legislative sessions: Marine Lance Corporal Nicholas H. Anderson, Las Vegas; Army Staff Sergeant Corey R. Barnes, Sparks; Army Sergeant Kenneth E. Bostic, Hawthorne; Marine Lance Corporal Raul S. Bravo, Elko; Army Captain Joshua T. Byers, Sparks; Marine Second Lieutenant James J. Cathey, Reno; Marine Lance Corporal Donald J. Cline Jr., Sparks; Army National Guard Specialist Anthony S. Cometa, Las Vegas; Army Corporal Matthew A. Commons, Boulder City; Army Private First Class David N. Crombie, Winnemucca; Army Specialist Jason A. Disney, Fallon; Army National Guard Chief Warrant Officer 3 John M. Flynn, Sparks; Army Sergeant John C. Griffith, Las Vegas; Army Specialist Daniel F. Guastaferrero, Las Vegas; Marine Corporal Jesse Jaime, Henderson; Army Sergeant Robert P. Kassin, Las Vegas; Marine First Lieutenant Nathan M. Krissoff, Reno; Army Corporal Stanley J. Lapinski, Las Vegas; Army Corporal Shawn T. Lasswell Jr., Reno; Army Staff Sergeant Emmanuel L. Legaspi, Las Vegas; Marine Lance Corporal Jeremy Z. Long, Sun Valley; Marine Private First Class John Lukac, Las Vegas; Army Corporal Joseph L. Martinez, Las Vegas; Army Sergeant Gordon F. Misner II, Sparks; Army Private Second Class Joshua M. Morberg, Sparks; Army Sergeant Eric W. Morris, Sparks; Navy Petty Officer Second Class Eric S. Patton, Boulder City; Marine Reserve Lance Corporal Richard A. Perez Jr., Las Vegas; Marine First Lieutenant Frederick E. Pokorney Jr., Tonopah; Army Specialist Ignacio Ramirez, Henderson; Army Reserve First Sergeant Carlos N. Saenz, Las Vegas; Marine Corporal William I. Salazar, Las Vegas; Army Private First Class Thomas C. Siekert, Lovelock; Army National Guard Sergeant Patrick D. Stewart, Fernley; Army Reserve Specialist Teodoro Torres, Las Vegas; and Army Private First Class Phillip B. Williams, Gardnerville; and be it further

RESOLVED, That we pause today to reflect on the supreme sacrifice of the eleven Nevadans who have given their lives since the 74th Legislative Session: Army Sergeant Ezra Dawson, Las Vegas; Army Sergeant David J. Drakulich, Reno; Army Staff Sergeant Sean M. Gaul, Reno; Army Specialist Joshua S. Modgling, Las Vegas; Army Sergeant Alfred G. Paredes Jr., Las Vegas; Army Chief Warrant Officer 2 Joshua R. Rodgers, Carson City; Army Sergeant Anthony J. Schober, Gardnerville; Army Reserve Staff Sergeant Coby G. Schwab, Henderson; Army Staff Sergeant Michael L. Townes, Las Vegas; Army Private First Class Alejandro R. Varela, Fernley; and Army Specialist Travis M. Virgadamo, Las Vegas; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature honor these brave Nevadans who made the ultimate sacrifice through their service, dedication and commitment to this country and their fellow man; and be it further



RESOLVED, That the Chief Clerk of the Assembly prepare and transmit 11 copies of this resolution to Tim Tetz, Executive Director of the Office of Veterans' Services, for transmittal to the family of each of those being honored.

Senator Care moved the adoption of the resolution.

Remarks by Senator Care.

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

Thank you, Mr. President. I do not remember the name of the columnist, but I do remember the words that he wrote. He said, "the United States is not at war, but its military is." He meant that there are entire neighborhoods where there is no one with a family member in uniform. There are pockets in our communities where no one knows anyone in uniform. Often times, that chasm is bridged by simply watching the nightly news when someone remembers there was a 9/11 and we have a war going on. However, as a general matter, sometimes it slips away from us. It should not. I recall years ago reading an apology by Ernest Hemmingway called *Men at War*. He said in the preface that even the smallest battle to the soldier who was there is a major war. We remember them every two years. There is no excuse not to do so on a daily basis. I do because I am more involved as a veteran in many veterans' activities. This is our opportunity to pay homage to those who have fallen for us and for those who, even as we sit here, today, continue to put their lives on the lines for us.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

#### REMARKS FROM THE FLOOR

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

On January 9, 2008, Sergeant David J. Drakulich was killed in action in Chagali, Afghanistan, when his truck hit an improvised explosive device. He was 22 years old.

Sergeant Drakulich was a member of the 82nd Airborne Division based at Fort Bragg, North Carolina. He enlisted in the Army in 2004, telling his father that he wanted to be an Airborne Ranger and join America's fight against terrorism.

This was his third deployment, and he was three months away from finishing his tour when he was attacked.

David attended Silver Lake Elementary School, O'Brien Middle School and graduated from Hug High School in 2003. He attended Truckee Meadows Community College for two semesters before he decided to enlist in the Army.

I have many reasons to thank the Drakulich family for making the ultimate sacrifice for their Country.

As a family friend, a Marine, a Senator, a Nevadan and an American, I salute the memory of their son and the sacrifice that he made in the name of freedom. Our Country and our State were Battle Born, and the freedoms that we enjoy at home and cherish for others abroad would not be possible without young men and women who are willing to go into harm's way in the name of defending freedom.

SENATOR CEGAVSKE:

I rise today to speak in favor of the resolution. All of us remember the fateful events of September 11, 2001; events that forever changed the world. Since that fateful day, thousands of brave American soldiers, sailors, airmen and Marines have given their lives to keep our Country safe and to bring freedom to the oppressed peoples of the world. These men and women are heroes in the finest sense of the word.

One of these heroes was Sergeant Alfred Paredez, one of my constituents. He graduated from Clark High School in Las Vegas in 1993. After graduating, he joined the Army and became a helicopter mechanic stationed at Fort Hood. While there, he met his wife, Cheryl, a struggling single mother. They were married in June, 2000.

In 2001, Alfred Paredez reenlisted and became an infantryman. He served in Kosovo, South Korea, and, finally, in Iraq, where he fulfilled two tours of duty. It was in Iraq, on November 20, 2008, that he died when a roadside bomb destroyed the vehicle in which he was riding. He was the 56th Nevadan to die in the Global War on Terror. He was 32 years old.

Alfred Paredez is remembered not just as a brave soldier and a loyal patriot but also as a dutiful son, an affectionate husband and an exemplary father. His stepson James Rush said of him, "He was a great man. He was always there for me." His wife Cheryl said, "He believed in everything he did and died an honorable death." His mother Denise Baca of Las Vegas said, "He turned out to be a very fine man. I will miss him deeply."

It is a solemn responsibility to speak of those who have made the ultimate sacrifice for our Country. We owe them a debt of gratitude that we cannot repay. But, perhaps, our words may be of some comfort to their grieving families.

I am reminded of the words of the great Canadian poet, John McCrae, who was himself an ardent patriot, a valiant war hero and a man who knew what it was to lose friends in battle.

O guns, fall silent till the dead men hear  
 Above their heads the legions pressing on:  
 (These fought their fight in time of bitter fear,  
 And died not knowing how the day had gone.)  
 O flashing muzzles, pause, and let them see  
 The coming dawn that streaks the sky afar;  
 Then let your mighty chorus witness be  
 To them, and Caesar, that we still make war.  
 Tell them, O guns, that we have heard their call,  
 That we have sworn, and will not turn aside,  
 That we will onward till we win or fall,  
 That we will keep the faith for which they died.  
 Bid them be patient, and some day, anon,  
 They shall feel earth enwrapt in silence deep'  
 Shall greet, in wonderment, the quiet dawn,  
 And in content may turn them to their sleep.

I pray that we may keep faith with Alfred Paredez and the other brave men and women that we remember today. May we always remember the worthy cause for which they gave their lives. Thank you.

SENATOR MCGINNESS:

Thank you, Mr. President. I can only echo the words said here, today, and recognize those veterans who are with us.

I would like to recognize Specialist Travis M. Virgadamo of Las Vegas. He wanted to join the service since he was five years old. His father promised him he could join the military if he got good grades in high school. He joined when he was 17 years old. He was part of Iraqi Freedom and stationed in Taji, Iraq. He passed away as a result of gun shot wounds. His mother, Jackie Juliano, lives in Pahrump and his father, Robert M. Virgadamo, lives in the Philippines.

Private First Class Alexander R. Varela of Fernley enlisted in the Army on his 18th birthday. He was killed when an IED blew up the tank he was driving along with six other soldiers in the Amariyah section of Baghdad, Iraq. We need to put a face to these young people. He loved quadding and trap and skeet shooting. He is survived by his mother Rinda, father Roger, sister Jennifer and brother Roger.

SENATOR LEE:

Thank you, Mr. President. I was fortunate enough to be raised in a military family. I never had to serve, and being a father of three sons and four daughters, it has been a blessing we have not been called upon to serve yet. But, there are men and women who dedicate their lives to our being able to live in this choice Country.

One is a hero named Staff Sergeant Michael Lopez Townes. He had a beautiful name and a beautiful face. He meant a lot to many people. He was 29 years old and was from Las Vegas. He died September 16, 2007, in Balad, Iraq. He died from a noncombat related illness. There are many illnesses to be picked up in other countries that we do not have immunities for here. He

died from something that attacked his system. He was supporting Operation Iraqi Freedom. He joined the military in October, 1999, as a wheeled-vehicle mechanic and was assigned to "E" Company. He worked very hard. He was decorated with the Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Korean Defense Service Medal, Iraq Campaign Medal and Global War on Terrorism (Service) Medal. He spent a lot of time doing what was right to receive this many commendations at such a young age.

Staff Sergeant Townes' wife resides in Tugatog, Malabon City, Phillipines. His wonderful parents reside in Las Vegas. I would like them to know how much we appreciate them today.

SENATOR BREEDEN:

I rise in remembrance of Private First Class Joshua Modgling who died on June 19, 2007, while serving his Country in Iraq. He was 22 years old.

Joshua was assigned to the U.S. Army's First Battalion, 30th Infantry Regiment, 2nd Brigade Combat Team, 3rd Infantry Division.

He was killed when a makeshift bomb exploded near a vehicle in Muhammad al Ali, Iraq. Joshua was an army soldier from an Air Force family who volunteered to serve in the Nation's war on terrorism because he was looking for direction in his life and he wanted to save money for college.

Joshua's mother, Julie Montano, described her son as "going in a pug-nosed little kid but coming out a man." She said he was competitive and always hated to lose. He committed himself 100 percent to everything he did. Joshua played football in the Pop Warner league. He was a defensive lineman who set a record for the most sacks. He attended Silverado High School. Joshua's family believed that his desire to become a combat engineer may have come from a childhood fascination with blowing things up. He would use baking soda to make an explosive device and blow tennis balls out of cans.

Joshua is remembered by Nye County retired Detective Nelson as an "awesome kid who participated in soccer, basketball, swimming and little league baseball in Pahrump."

Visitation was held on July 5, 2007, at the Arlington Mortuary in Riverside, California, followed burial at Riverside National Cemetery on July 6, 2007.

SENATOR NOLAN:

Thank you, Mr. President. I would like to let the gentlemen here, today, both in uniform and our veterans, know that the Committee on Energy, Infrastructure and Transportation had recently passed the approval for a new license plate that will be eligible for the immediate family members of those who have died in the line of duty. That bill was rereferred and unfortunately, our timing was not such that we could have passed that bill, but I am certain it will come through soon. This is the Gold Star Family license plate. This will signify those family members of service men and women who have given their lives in the line of duty. We will see these on the streets soon. Be certain to remember those who have given all when you see one of these plates. The families are deserving of that recognition.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that the motion whereby Senate Bill No. 139 was rereferred to the Committee on Finance be rescinded and the bill be placed on the top of the Second Reading File.

Remarks by Senator Care.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 139.

Bill read second time and ordered to third reading.

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

Senate in recess at 12:40 p.m.

#### SENATE IN SESSION

At 12:44 p.m.

President Krolicki presiding.

Quorum present.

#### SECOND READING AND AMENDMENT

Senate Bill No. 34.

Bill read second time and ordered to third reading.

Senate Bill No. 38.

Bill read second time and ordered to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 109.

Bill read second time and ordered to third reading.

Senate Bill No. 142.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

#### REMARKS FROM THE FLOOR

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

For those of you that have not heard the sad news yet, Thelma Clark has passed away.

Thelma was a tireless and remarkable citizen advocate. She worked with our Legislators for many, many years. She assisted them with legislation on manufactured housing and energy. She was an expert on issues relating to energy, attending PUC meetings and citizen advisory meetings.

She was a long-term volunteer advocate for the AARP. Thelma was also active in the Nevada Silver Haired Legislative Forum as the president of that Forum for many years.

As you know, it is not polite to mention a lady's age, but Thelma lived beyond her 90th birthday.

In her younger years, she worked in the hospitality industry at Caesar's Palace in Las Vegas, waiting on people like Johnny Carson and Dean Martin. She is well known across the State and her advocacy, gentle smile and smart wit will be missed.

There will be a viewing on Friday, March 6, 2009, from 1 p.m. to 7 p.m. Services will be held on Saturday, March 7, 2009, at 10 a.m. Both will be at Palm Mortuary at 1325 North Main Street in Las Vegas. She will be laid to rest in Illinois.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 9.

Bill read third time.

Roll call on Senate Bill No. 9:

YEAS—21.

NAYS—None.

Senate Bill No. 9 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27.

Bill read third time.

Roll call on Senate Bill No. 27:

YEAS—21.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 160.

Bill read third time.

Remarks by Senator Hardy.

Conflict of interest declared by Senator Hardy.

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

For the purposes of Standing Rule No. 23, I would like to disclose that I am a party to a case pending before the Nevada Supreme Court that involves ethics issues related to those addressed in this bill. The Digest of this bill provides an explanation of those issues.

Out of an abundance of caution, I will be abstaining on this bill.

Roll call on Senate Bill No. 160:

YEAS—20.

NAYS—None.

NOT VOTING—Hardy.

Senate Bill No. 160 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103.

Bill read third time.

Remarks by Senator Woodhouse.

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

Assembly Bill No. 103 requires the Legislative Auditor to conduct performance audits of governmental and private facilities for children to determine whether those facilities adequately protect the health, safety and welfare and respect the civil rights of the children in their care.

The measure also requires any governmental or private facility for children to cooperate with the Legislative Auditor in the performance of his duties and to forward to the Legislative Auditor any complaint filed by a child or any other person on his behalf concerning the child's welfare.

In 2007, the Legislature enacted A.B. 629 which included a one-time appropriation for the Legislative Auditor to employ or contract with an auditor to serve as a Child Welfare Specialist. Assembly Bill No. 103 effectively transfers the duties of the Child Welfare Specialist to the Legislative Auditor and codifies those duties in *Nevada Revised Statutes* as continuing duties of the Legislative Auditor. Assembly Bill No. 103 is effective on July 1, 2009.

Finally, I would especially like to express my appreciation to Assemblywoman Sheila Leslie for being the catalyst on this issue and to the Audit Division for the fine work they did as well.

Roll call on Assembly Bill No. 103:

YEAS—21.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 11.

REMARKS FROM THE FLOOR

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

I have given a paper to each Senator. If any of you get *CLASS*, written by youth, there is an article in there I found to be extremely moving.

This is from a student from Canyon Springs High School, Breanna Lebsack. She wrote about Veterans Day, 2008. I encourage you all to read the article. This is also a plug for *CLASS*. It is a magazine for students, by students. I would like to share it with you on this day.

"I will never know the names of all of the veterans from centuries past, but I will always be indebted to them for the freedom I benefit from today."

Breanna, thank you. I hope you will all enjoy this as much as I did.

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 Tim Tetz and Tyler Simms.

On request of Senator Breeden, the privilege of the floor of the Senate Chamber for this day was extended to Yessica Contreras, Sean Fellows, Jeff Fuhler and Gregory Hunter.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Jon Morrow and Kinsey Brown.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Erika Del Rio Cervantes.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Anthony Pollard.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Marie Walters.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Rachel Wagner, Megan Freismidl, Thomas Considine, Ric Fairbanks, Jerry Finley, Ed Mahoney, Norbert Monohan, John Zemlock and the members of the Churchill High School Young Republicans: Sarah Jamieson, Michael Perazzo, Toree Lammel, Sarah Frandsen, Kirby Pearce, Erik Kruckenberg, Tina Bernardo, Shelby Frandsen, Nathan Denney, Chris Bloomfield, Ryne Wood, Aaron Thomas, Geran

Elkins, Seth Price, James Bake, Melissa Thomas, Ileigh Williams, Kenny Travis, Alicia Perazzo and Cameron Sorensen.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Becky Childs, Diana Gia, Jack Logan, Chuck Fulkerson, Jeanne Bishop-Parise, Gina Crown, Charles Harton, Charley Smith and R.G. Smith.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Hanna Jensen.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Lance Gonzalez and the following students from the Sage Ridge School: Amanda Bak, Jake Benna, Alaina Chen, Paige Creedon, Matthew Hayashi, Wyatt Keysor, Veronica Kilborn, Sophie Kim, Gracie Lowden, Grace Macauley, Christopher Miller, Jeremy Novak, Elyse Olesinski, Noelle Rubinstein, Sophie Savoy, George Shappell, Drew Stephenson, Warren Edward Trepp, Nadine Chen, Stephanie Dewald, Christien Enad, Nate Foster, Amanda Gallop, Matt Grimm, Serena Kennedy, Madison Menante, Ethan Olesinski, Davis Onesian, Calvin Ruyak, Phoebe Shappell, Cameron Shonnard, Sahaj Singh, Hannah Spector, Emily Stevenson, Keegan Stover, Logan Williamson; teachers: Mrs. Baker and Ms. Bailey.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Daniel Klaich, Brenda Erdoes, Rene Yeckley and Nevada Youth Legislators 2008-2009: Diana Chavez, Jose Clair, Kyle Denison, Zakary Fisher, Casey Gallagher, Mayra Garay, Lance Gonzalez, Diana Jia, Nancy Joseph, Yuhi Kim, David Lopez, Paulina Maqueda, Genices Nerez, Jonathan Oglesby, Allison Ruesch, Tyler Simms, Emily Stolworthy, Josephine Tiao, Rachel Wagner, Marie Walters and Jenelle Yee.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Jacqueline Taylor, Scott Smith, Philip LaChapelle, Iesha Greer and Jennifer Birmingham.

On request of President Krolicki, the privilege of the floor of the Senate Chamber for this day was extended to Jayson Koski.

Senator Horsford moved that the Senate adjourn until Thursday, March 5, 2009, at 11 a.m. and that it do so in memory of Thelma Clark, past president of the Nevada Silver Haired Legislative Forum.

Motion carried.

Senate adjourned at 12:56 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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