

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 5, 2009

Senate called to order at 11:22 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Care, who was excused.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, as we gather today, we give You thanks and we give You praise.

Solomon concluded his writing in the book of Ecclesiastes and said,

"Let us hear the conclusion of the whole matter:

Fear God and keep His commandments,

For this is man's all.

For God will bring every work into judgment, including every secret thing,

whether good or evil.'

Lord, help us pursue You, pursue good and pursue what is right for the benefit of the people of Nevada. I pray that You will bless these Senators, their staff and families.

In the Name of the Father, the Son and the Holy Spirit,

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.

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 Senate Concurrent Resolution No. 13.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

COMMUNICATIONS
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON D.C. 20515-2803

February 25, 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,

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Wednesday, April 15, 2009. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be addressing in the upcoming months and how it will affect the State of Nevada.

I thank you in advance for your consideration of my request.

Sincerely,

DINA TITUS

Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Concurrent Resolution No. 14—Honoring Thalia Dondero for her outstanding service to the Nevada System of Higher Education and community organizations.

WHEREAS, In 1942, Thalia Sperry moved to Las Vegas where she met and married Harvey Dondero, a career teacher and administrator, and the couple began a long partnership promoting education in Nevada, a passion for both of them; and

WHEREAS, Having five children, Judy, Michael, Nick, Rob and Marilyn, and not being one to do anything halfway, Thalia dove into the job of parenting by becoming active in all levels of the Girl Scouts and Boy Scouts and the Parent Teacher Association, and was twice selected "Homemaker of the Year" from Nevada for *McCall's Magazine*, while the Dondero family was nominated "Family of the Year" and Thalia has continued this rich tradition of enjoying spending time with her family including the 15 grandchildren and 6 great-grandchildren of whom she is very proud; and

WHEREAS, Thalia's interests are many, including human rights, water issues, tourism, law enforcement, renewable energy and the environment, and she became known as the "Tree Lady" because of her work on the Nevada State Park Commission to expand state-owned recreational areas for public use; and

WHEREAS, In 1974, Thalia became the first woman commissioner on the Clark County Commission, serving with distinction for 20 years, including three terms as chair, and a well-known anecdote is that her male peers mistakenly thought, being a woman, she should take minutes and make coffee, a notion she quickly rectified; and

WHEREAS, Elected to the Board of Regents of the Nevada System of Higher Education in 1996, Thalia fought to improve the higher education system, was instrumental in the formation of Nevada State College and became an advocate for the Health Sciences System, which was created to address the numerous community health issues of our State, and while Thalia gave up her seat on the Board because of term limits, she still continues to give an incredible amount of time, energy and commitment to education; and

WHEREAS, Among many other honors, Thalia received the 2006 Education Hero Award from the Public Education Foundation and the 2008 James Cashman III Community Leader Award, was inducted last month into the Nevada Business Hall of Fame, and in 2007, the University of Nevada, Las Vegas, awarded her its highest honor, an Honorary Doctorate; 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 applaud Thalia Dondero for her unwavering dedication and commitment to the education of the young people of our State and commend her unique sense of civic duty in serving her community to improve the quality of life for all Nevadans; and be it further

RESOLVED, That the residents of Nevada recognize that they have a true champion in Thalia who believes that higher education should be accessible to everyone and who exemplifies that each person can make a difference in their community; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Thalia Dondero.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senators Woodhouse, Cegavske, Wiener, Schneider and Horsford.

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

SENATOR WOODHOUSE:

Thank you, Mr. President. I am honored this morning to speak on behalf of a special lady, Thalia Dondero.

This resolution certainly does a wonderful job of capturing some of the highlights of the personal and professional life of Thalia Dondero, who is one of Nevada's most popular and distinguished public servants, ever. But, there is so much more. Let me share a few things with all of you here, today.

As a mother of five, Thalia was active for many years in organizations that focused on the well-being of children. As the resolution notes, she was twice selected as "Homemaker of the Year" for Nevada by *McCall's Magazine*. She was a leader in both the PTA and Scouting, which reminds me of a special true story about Thalia and the Girl Scout troop she once led. Thalia was leading her troop on a nature hike up one of the arroyos in an area near Red Rock Canyon. The troop was abruptly confronted by the legendary Vera Krupp, hands on her hips, guns in her holsters. Vera Krupp hollered at the group, "Get off my land—this is my land—get out of here!" Thalia did not take too kindly to Krupp's manner, particularly, in front of a group of impressionable and frightened Girl Scouts. Thalia assertively raised a piece of paper, which was clenched in her fist, and hollered back, "We have a permit!" The hike continued.

Today, the wonderful old Krupp Ranch has become a treasure for all to enjoy as Nevada's Spring Mountain State Park. Red Rock Canyon is now a National Conservation Area and has become one the most popular scenic areas in all of America. Yes, some things change. But, Thalia Dondero's spirit, her willingness to speak out on what is right and her staunch devotion to serving others have not changed. These qualities remain as strong today as ever.

There are certain events in each of our lives that forever change the direction we were headed. For Thalia, one such event occurred in 1972, when she ran for an elective office for the first time. She did not win that race. If she had won, Thalia would have been a member of the Nevada State Assembly and, for all we know, would still be a member of the Legislature today. However, rather than accept that defeat and walk away from ever holding an elective office, Thalia gave it another try in 1974 when she ran for a seat on the Clark County Commission. She was victorious that year, and over the following 20 years as a County Commissioner, she demonstrated her remarkable abilities, leadership, vision and strong sense of commitment to serving others.

Two years after Thalia left the County Commission, she started another chapter in her remarkable life. In 1996, she ran unopposed for a seat on the University Board of Regents and worked tirelessly over the following 12 years to promote higher education in Nevada. If it were not for the State Supreme Court's ruling on term limits last summer, Thalia would still be a member and enlightened voice on the Board of Regents.

I first met Thalia when she was a County Commissioner, and she was one of our most loyal volunteers as a Professionals and Youth Building a Commitment speaker, urging students to stay in school, graduate and go on to higher education. As a Regent, she added recruiting of speakers from faculty and the student bodies of the University of Nevada, Las Vegas, and the College of Southern Nevada to her speaker duties. In the program, I administered, Thalia influenced the lives of hundreds, probably thousands, of middle school students with her positive message and being such a fabulous role model for them. When you add in all of the students she met, mentored and served in her role as a University Regent, the impact is phenomenal.

When I think of Thalia, so many words come to mind: advocate, public servant, leader, conservationist, icon and friend. Thalia, what a blessing you have been to so many Nevadans for so many years.

SENATOR CEGAVSKE:

Thank you, Mr. President. I rise in support of Senate Concurrent Resolution No. 14. As a PTA president in the 1980s at Argyle Gray School, Thalia Dondero's daughter, Marilyn, who is now an Assemblywoman and is my Assemblywoman, was my son's second grade teacher. My son was passed to third grade, but Marilyn kept the room parents longer than the child.

Thalia came to us and saw, through her daughter, the hard work we did at the PTA. Thalia recognized a small school with parents who had a ton of energy and wanted to do the best they could. She recognized us with a proclamation from the Clark County Commissioners. That proclamation still hangs today at Argyle Gray. I cannot thank her enough for the recognition that she gave us.

I would like to point out that she is a mentor to so many of us. I had the privilege of being in the Leadership Las Vegas class. Thalia and Claudine Williams spoke to the class. They told great stories about what the all-male County Commissioners thought when they had a female serve on the Commission. Between Thalia and Claudine Williams, we learned so much. I know it was not as much fun when it was happening, but the stories were great and we appreciated you sharing them with us.

She is a mentor and a friend, and I am glad we are honoring her today. Thalia, you are a blessing to Nevada, and we thank you for your service.

SENATOR WIENER:

Thank you, Mr. President. I also rise in support of Senate Concurrent Resolution No. 14. It brings great joy to my heart to hear the stories about Thalia. I love her family, and I have known them probably longer than most have in this building.

I would like to share a story about Harvey Dondero that brought Thalia and family into my life. In November of 1931, my father and his family trekked across the Country to settle in Las Vegas. It was a cold month, though since my family came from Pittsburg, they knew what cold could be. My father came from a family with great pride. My grandfather was a tailor in Pennsylvania. Though my family had no money because of the Depression, my dad had a fantastic wardrobe. He wore his suit to his first day at Las Vegas High School. He went to his homeroom class and since the seats were assigned, he went to his seat only to find someone sitting in it. When he questioned that person, he was told by a smiling, youthful person, "Don't worry; I'm Mr. Dondero, your teacher." The families became friends way back before I was a thought. We were neighbors. I was part of the Earl St. gang, and there was the Dondero clan. We had altercations, or I should say exchanges, often in the form of a water-balloon fight. We would toss our balloons and race back to our street, and then, the Dondero clan would come over to our street with their water balloons. It was friendly, and we still smile at the memory.

I cannot think of a time in my life when Thalia was not a part of it. I have heard the term "mentor," "leader," "advocate" and "groundbreaker," but in the most loving way, I would say "Mom" because my entire life has been blessed with Thalia Dondero. When I was at Las Vegas High School, I was interviewing for an award. The award was for "Junior Citizen of the Year," and Thalia was the interviewer. I remember how kind and objective you were. You asked me the questions as though I were a stranger to ensure that I had the proper answers and the appropriate demeanor for such a high honor to be named a finalist. The joy was that I was also named the award winner. No moment of my life has been any greater than the moments I shared with Thalia Dondero and her family and those who call her friend. So, few can call her "Mom" and mean it. From the center of my heart to yours, thank you for gracing us with all that you have done but, more importantly, with all that you are. I love you, Thalia. Thank you so much.

SENATOR SCHNEIDER:

Thank you, Mr. President. I, too, stand in support of Senate Concurrent Resolution No. 14. As some of you have probably noticed today, my wife is sitting with the Donderos because she really belongs to them. My wife, Candy, and Marilyn have known each other since long ago. Thalia was their Brownie Troop leader. That was a long time ago. When I moved to Las Vegas and met Candy, I had to meet Marilyn too. I have become too close to that family. Let me explain "too close."

I have put together campaign signs and pounded them in yards before I even thought of running for office. It was all for Thalia. When Thalia was a County Commissioner, I remember

when her son, Nick, who at that time was vice president of Wedgewood China, was coming to visit with some other members of the company, Thalia decided to give a cocktail reception. She called me to be the bartender. I was doing my job at the reception when I saw that they all looked like Nick. They all had red hair and were all, mainly, from England. Back then, my hair was red too. They kept coming up to me and asking me what division I was vice president of. Finally, since I looked like them, I said, "I'm in charge of Special Projects for South America." Thalia did not know what I was talking about.

I would like to share another quick story. Now, I do construction-defect legislation, but when I bought my house years ago, water from the neighborhood settled in front of our house. The water would sit and turn green, and it would smell getting a black sludge on the bottom. I went to the sales office for the development and told them I had a problem. They ignored me. One night we invited Marilyn and her husband and Thalia and Harvey to dinner. I parked my car in the driveway so Thalia could not. She parked in front of the house, stepped out of the car into that sludge that smelled so bad. She asked what it was, and I explained that I had complained about this, but nothing had been done. She told me she would get hold of the builder. One week later, the builder was out in front of my house redoing the street, jack hammering up my driveway and the neighbors on both sides' driveways and all the sidewalks. They raised everything up so that the flow was right. That was how easy it was to get construction defects taken care of in the State of Nevada back then.

SENATOR HORSFORD:

Thank you, Mr. President. I also rise in support of Senate Concurrent Resolution No. 14. I have had the pleasure and the honor to get to know Thalia and her family over the years. As my colleagues have all said, there are many special qualities to describe her. She is a great mother, an awesome community leader, a respected businesswoman and a fine public servant. I say on behalf of the people of this State that we are sorry you are not able to continue in the public service that you have aspired to all of these years. We know your contributions have been and will continue to be made. Thank you for everything you have done on behalf of the people of this State.

Resolution adopted.

Senator Woodhouse moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 14 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Motion carried.

Senate in recess at 11:49 a.m.

SENATE IN SESSION

At 11:56 a.m.

President Krolicki presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 5, 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. 13.

DIANE M. KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 13—Memorializing Doris Adair McDonald.

WHEREAS, The residents of the State of Nevada were deeply saddened to learn of the passing of Doris Adair McDonald, an exemplary citizen, loving wife, dedicated family woman and "Mom" to many, on October 14, 2008; and

WHEREAS, Doris was born in Butte, Montana, on August 16, 1926, to Maurice and Irene Lynch; and

WHEREAS, Her lifelong friendship with her beloved husband John began when they met at a dance in 1944, and continued as they were married on January 11, 1952, and eventually left Montana to make Las Vegas their home in August of 1960; and

WHEREAS, Doris was a devoted homemaker who loved spending time in her beautiful rose garden, which was her pride and joy, and taking care of her animals; and

WHEREAS, The McDonalds' home was where all of the neighborhood kids could feel safe and welcome, and Doris greatly enjoyed being "Mom" to all who came to visit; and

WHEREAS, Hospitable with her compassionate heart as well as her home, Doris touched the lives of many people in Las Vegas, from elected officials to those who grew up in her neighborhood, who still call her "Mom" to this day; and

WHEREAS, Sharing the traditions of the holiday season of Christmas and New Year's Eve, her favorite time of the year, and watching Notre Dame football with those she loved brought this exceptional woman great happiness; and

WHEREAS, Doris was a thoughtful and kind neighbor, loving wife and dedicated mother to her children as well as to those in her community; and

WHEREAS, Doris is survived by her loving husband of 56 years, John J. McDonald, daughters Jacquelyn Lavin and Kerry Lee McDonald, son Michael J. McDonald, grandson TJ Lavin, granddaughter Brooke Newton and grandson-in-law David, and great-granddaughter Justice Newton; and

WHEREAS, She was preceded in death by her sons-in-law Terry Pinter and Tommy Lavin; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Session of the Nevada Legislature extend their sincerest condolences to the family and friends of Doris Adair McDonald; and be it further

RESOLVED, That this caring neighbor will be remembered fondly by all who had the good fortune of knowing her for her warmth, hospitality and devotion to her family, which extended beyond bloodlines far into her community; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Doris' husband, John J. McDonald, and her children, Jacquelyn, Kerry Lee and Michael.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

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

The loss of Doris Adair McDonald touched the lives of all people who had the pleasure to know her.

The McDonalds are constituents of mine. I can remember times over the years when volunteers and family members were campaigning on my behalf as well as others in the area that they came across the McDonald home. It was the smile and encouragement that Mrs. McDonald always shared that kept us going.

She lived a great and full life as the resolution explains. She has left a legacy of strong family and community. She will always be remembered.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator McGinness:

Senate Bill No. 174—AN ACT relating to public employees' retirement; exempting certain retired public employees who are serving with volunteer fire departments which are participating in the Public Employees' Retirement System from the prohibition on simultaneously receiving retirement benefits; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 175—AN ACT relating to floods; authorizing a board of county commissioners to acquire, improve, equip, operate and maintain a flood management project in certain counties; authorizing any revenues derived from such a flood management project to be pledged for the payment of certain bonds; authorizing the governing body of a municipality in certain counties to acquire, improve, equip, operate and maintain a flood management project under certain circumstances; revising provisions governing the acquisition of bonds issued by a flood management authority; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 176—AN ACT relating to time shares; providing for the relocation of an interest in a time share under certain circumstances; authorizing the withdrawal of time share units from a time-share plan under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bills Nos. 34, 38, 39, 109, 139, 142; Senate Joint Resolution No. 4 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Horsford.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 78.

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. 12.

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 Sharon Rosse.

On request of Senator Breeden, the privilege of the floor of the Senate Chamber for this day was extended to Jonathan Good.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Barbara Good.

On request of Senator Copening, the privilege of the floor of the Senate Chamber for this day was extended to Patrick Clary.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Julie Schaeffer, Michael McDonald, John McDonald, Jamie McDonald, Rick Henry McDonald and Jennifer Simich.

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

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

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Daryn Glassbrook.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Angie Wallin and Mark Zachman.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Reverend Jackie Leonard and Myron Martin.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Karen Golash.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Mike Dondero, Molly Dondero, Chris Dondero and Jason Dondero.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Julia Arger and the following students and teacher from the Sage Ridge School: Claire Kelley, Sarah Kelley, Brandon Arner, BJ Juneau and teacher: Rob Van Cleve.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Mary Elen Horan.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Chancellor Jim Rogers, Howard Rosenberg and Justice Ron Parraguirre.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Thalia Dondero, Candy Schneider, Marilyn Dondero Loop, Rob Dondero and Judy Habbeshaw.

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

Senator Horsford moved that the Senate adjourn until Monday, March 9, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 12:24 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate