

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 22, 2009

Senate called to order at 12:45 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Larry Unterseher.

Good afternoon, Father.

Having a heart to serve others, these men and women have gathered here, today, for one unified purpose of making this State the greatest place on earth to live. Give each of them great discernment as the pressing decisions of this day are made.

I pray that each of these leaders be motivated by this desire to serve, not by a desire to lead. You have taught us and history shows that it is servant leadership that will determine how great their individual legacy and the corporate legacy of this Legislative Session will be. Help us this day, Father, for both legacies to be magnificent.

In Your Holy Name, we pray.

AMEN.

Prayer by Reverend William C. Webb.

Almighty and everlasting God, our Father.

We thank You for what You have done. We thank You because of what You are doing. We thank You for what You are going to do; for indeed, there is no secret what You can do. What You have done, You have the capacity to do now as well as in the future.

In the Name of Thy Son, we pray.

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 Assembly Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Energy, Infrastructure and Transportation, to which was referred Assembly Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were rereferred Senate Bills Nos. 331, 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Energy, Infrastructure and Transportation.

BERNICE MATHEWS, *Cochair*

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERRY CARE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 21, 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. 218, 297, 413.

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 22, 24, 54, 60, 87, 119, 162, 220, 236, 239, 267, 320, 333, 360, 370, 397, 399, 442, 467, 471, 483, 496, 500.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Horsford, Wiener, Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Woodhouse; Assemblymen Anderson, Aizley, 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, Mastroluca, McArthur, McClain, Mortenson, Munford, Oceguela, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury:

Senate Concurrent Resolution No. 24—Expressing the support of the Legislature for participatory democracy and honoring the recipients of the Jean Ford Democracy Award.

WHEREAS, The Nevada Legislature created the Advisory Committee on Participatory Democracy within the Office of the Secretary of State to advocate for civic education, voter registration and citizen participation; and

WHEREAS, The members of the Advisory Committee, who represent civic education groups, nonprofit organizations and community advocacy groups, work tirelessly to ensure the success of the Advisory Committee; and

WHEREAS, The Legislature is committed to working with citizens, election officers, agencies and the Advisory Committee to develop innovative programs, create partnerships and explore new strategies to communicate with the residents of this State in an effort to increase participation in the democratic process; and

WHEREAS, Jean Ford, who served in both the Assembly and Senate of this State and was an outstanding leader and a champion of participatory democracy, exemplified the ideals that the Advisory Committee strives to encourage; and

WHEREAS, The Advisory Committee established the Jean Ford Democracy Award to honor citizens who perform exemplary service in promoting participatory democracy in this State; and

WHEREAS, In 2003, the Nevada Legislature set a goal to have 75 percent of all eligible voters in the State registered and to have 70 percent of those registered voters participate in the 2008 General Election; and

WHEREAS, These goals were not only achieved, but also exceeded, as, according to information provided by the Secretary of State, approximately 84.5 percent of all eligible voters in this State registered for the 2008 General Election and approximately 80 percent of those registered voters cast ballots in the 2008 General Election; now therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislature hereby honors the following recipients of the Jean Ford

Democracy Award for exemplary service in promoting participatory democracy in this State: Stephanie Hartman, Kenya Pierce, State Senator Valerie Wiener and Daniel Wong; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature hereby affirm the commitment to achieve, by the 2010 General Election, the goals of having 90 percent of all eligible voters in the State registered and having 85 percent of those registered voters participate in that election; and be it further

RESOLVED, That the Advisory Committee shall make a full report to the 76th Session of the Nevada Legislature on the achievement of the goals set forth in this resolution and the progress of the Advisory Committee in carrying out its statutory duties; and be it further

RESOLVED, That the Legislature hereby declares April 23, 2009, Participatory Democracy Day in the Nevada Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to award recipients Stephanie Hartman, Kenya Pierce, State Senator Valerie Wiener and Daniel Wong, and to the Superintendent of Public Instruction, the Chairman of the Board of Regents of the University of Nevada, the Secretary of State and the members of the Advisory Committee on Participatory Democracy.

Senator Horsford moved the adoption of the resolution.

Remarks by Senators Horsford, Woodhouse and Washington.

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

SENATOR HORSFORD:

Mr. President and members of the Senate, I rise in support of Senate Concurrent Resolution No. 24, which declares today to be "Participatory Democracy Day."

In his old age, Thomas Jefferson, author of the Declaration of Independence and former President of the United States, told us that our democracy would not be perfect until, "Every man feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small."

In Jefferson's view, the responsibility of public affairs rested on the people as a whole. Everyone was expected to take his share of the burdens of government, not just by paying taxes and voting, but by actively participating.

Of course, in Jefferson's time, America fell far short of his ideal. Although our Country was, in a formal sense, a democracy, many groups were excluded from political participation. Women, Indians and slaves, for example, did not have the right to vote or hold public office. Since that time, we have come a long way. Gradually, the formal, legal barriers that excluded so many from public life have been broken down.

The main barrier that stands in the way of realizing the full and complete democracy that Jefferson foresaw is not legal exclusions but ignorance and lack of interest. It is encouraging and gratifying to see so many more Nevadans voting. Many, if not most, seem to feel that they have fulfilled their civic obligations if they show up and vote at election time. Voting is, of course, an important part of that obligation, but it is not its sum total. Right now, only an energetic minority of Nevadans devote any considerable amount of time to public affairs. I am not sure that our system of government can survive this kind of public apathy.

In 1830, the French political philosopher, Alexis d'Tocqueville, wrote a treatise entitled *Democracy in America*, a book about our system of government and its future development. In that book, he said, "There is, indeed, a most dangerous passage in the history of a democratic people when the taste for physical gratifications among such a people has grown more rapidly than their education and their experience of free institutions. The discharge of political duties will appear to them to be a troublesome annoyance. If they are required to elect representatives, to support the government by personal service, to meet on public business, they have no time. They cannot waste their precious time in such useless engagements."

The antidote to political apathy is civic education. When our citizens come to realize the importance of the duties that rest upon them and how they can participate in the political process, I think that they will rise to the challenge.

I want to publicly thank the Advisory Committee on Participatory Democracy, the Secretary of State and the recipients of the Jean Ford Democracy Award for the great work they have done and the example they have set for civic involvement.

I urge the Senate to adopt Senate Concurrent Resolution No. 24.

Thank you.

SENATOR WOODHOUSE:

Mr. President and members of the Senate, I, too, rise to speak in favor of Senate Concurrent Resolution 24. This is the third session that this body has passed a resolution setting apart a day on which to celebrate participatory democracy.

It has been said that democracy is not a spectator sport. Over the past Sessions, the Legislature has done much to make it possible for more and more of our citizens to participate in the democratic process. For example, we have established motor-voter registration, allowing citizens to register to vote when they get their drivers licenses. We have allowed for early voting, making it easier for citizens who cannot get to the polls on Election Day. These changes and the efforts of the Advisory Committee on Participatory Democracy have borne fruit.

Over the past decade, voter turnout in Nevada has risen dramatically. Let us just look at the presidential election years. In 2000, about 70 percent of voters in Nevada went to the polls. That number rose to 77 percent in 2004 and to an amazing 80 percent in 2008. The same trend is evident in the off-year elections. In 1998, only 49 percent of the registered voters actually cast a vote. That rose to 59 percent in 2006. We have much to be proud of.

Compared to other nations in the world, the United States of America offers unparalleled opportunities for political participation. In this Country, there are almost 90,000 separate governmental entities. These range from the massive federal government to the smallest weed-control district in rural Nevada. Each of these units of government has its own elected officials. At any one time, more than half a million Americans hold an elected public office.

But, just voting and holding public office do not exhaust all the opportunities for political participation. Millions of Americans are active in the affairs of their respective political parties, holding party offices, volunteering for campaigns or attending political conventions. Millions more belong to groups that seek to influence public policy.

But, far too many of our fellow citizens remain uninvolved and uninterested in public affairs. Today, we commend the efforts of the Advisory Committee to reach these uninvolved citizens, to educate them and to motivate them to take up the burden of their civic obligations.

Today, we also honor the recipients of the Jean Ford Democracy Award. We honor Daniel Wong, Stephanie Hartman, Kenya Pierce and last, but not least, our own friend and colleague, Senator Valerie Wiener, for their exemplary contributions to civic education and participatory democracy. Congratulations on this well-deserved honor.

Finally, we honor all those unnamed citizens of Nevada who devote so much time, energy and imagination to making our democratic system of government work. Because of your efforts, Nevada is a better place for all of us to live.

SENATOR WASHINGTON:

The words said here, today, are relevant in today's world. It was great to see the nearly 2,000 people who participated in the "Tea Party" in front of the Legislative Building last week.

SENATOR HORSFORD:

It is my honor, to know all four of these recipients of this award and one, in particular, our colleague, Senator Wiener. She exemplifies so much of what it means to be a public servant.

Senator Valerie Wiener, Nevada State Senator, has been selected for the elected official recipient of the Jean Ford Democracy Award.

For those of us who knew Senator Ford, this award comes with great significance because of the life that she led and the role and the impact that she made to the citizens of Nevada.

Senator Wiener was one of the first Nevada participants in the "Legislators Back to School Program," started by the National Conference of State Legislatures in 1999.

Every year, she schedules time at all of the schools in her district to inspire civic engagement among the young. To date, she has visited more than 27,000 young people. NCSL credits her with the most students visited by any Legislator in the Country.

Senator Wiener also sponsored legislation in 2007 which created the Nevada Youth Legislature. This forum comprises 21 students who are appointed by their Senators. The Youth Legislature educates and encourages participation in the legislative process. It has been a phenomenal addition. My youth legislator calls me on a regular basis and tells me about the issues that they are concerned about and how I should be voting on those issues.

In addition to their annual orientation in Carson City, youth legislators hold hearings and sponsor legislation. Their first measure, which they introduced this Session, provides for teen-mentoring programs in schools.

With all of the resolutions that we do and that the Majority Whip has done, this resolution has particular significance because it honors one of our own for being an outstanding leader, not just here, in Nevada, but throughout the entire United States. Congratulations, Senator Wiener.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Parks, Breeden, Coffin, Copening, Wiener, Woodhouse and Assemblywoman Leslie:

Senate Concurrent Resolution No. 25—Designating April 22, 2009, as Equality Day in Nevada.

WHEREAS, In November 2008, the Gay & Lesbian Community Center of Southern Nevada created "Stand OUT For Equality," a community coalition working to achieve equality for lesbian, gay, bisexual and transgender (LGBT) Nevadans; and

WHEREAS, Stand OUT For Equality supports and promotes activities directed at furthering the well-being, positive image and human rights of the LGBT community and its allies in Nevada; and

WHEREAS, Stand OUT For Equality has organized the first-ever statewide lobbying trip, called "Equality Days," to the Nevada Legislature specifically for the LGBT community; and

WHEREAS, Nevada residents who are LGBT and straight allies have joined together to share their personal stories in order to educate and engage Nevada Legislators and the public regarding LGBT issues; and

WHEREAS, Equality Days has a large number of sponsors, including the American Civil Liberties Union of Nevada, Desiree Alliance, Human Rights Campaign, Interweave Continental, Lambda Business and Professional Association, League of Women Voters of Las Vegas Valley, League of Women Voters of Nevada, National Association of Social Workers-Nevada Chapter, Nevada Women's Lobby, Parents, Families and Friends of Lesbians and Gays-Carson Region, Progressive Leadership Alliance of Nevada, Sin City Sisters, Southern Nevada Association of Pride, Inc., Stonewall Democratic Club of Southern Nevada, Stonewall Democrats of Northern Nevada, UNLV Office of the Vice President for Diversity and Inclusion and Women's Empowerment Network of Las Vegas; and

WHEREAS, The American Association of University Women-Las Vegas Branch, American Association of University Women-Nevada, Clark County Democratic Black Caucus, Golden Rainbow, Las Vegas Convention and Visitors Authority, Laura's List, Log Cabin Republicans, LV Equality, Las Vegas Gay Athletics, Arts and Activities, National Organization for Women-Southern Nevada Chapter, Nevada NOW, Nevada Stonewall Democrats, ProgressNow Nevada, Si Se Puede Latino Democratic Caucus, Spectrum Northern Nevada, SWOP, The Lovett Foundation and Three Degrees are community supporters; and

WHEREAS, Equality Days seeks to ensure that LGBT issues are both recognized and represented by elected officials to create a Nevada where LGBT people are ensured their basic equal rights and can be open, honest and safe at home, at work and in the community; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That April 22, 2009, is hereby designated Equality Day in Nevada; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature hereby express their commitment to creating greater public awareness of lesbian, gay, bisexual and transgender issues in Nevada and resolve to continue to work cooperatively toward equality for all Nevadans; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Governor Jim Gibbons.

Senator Parks moved the adoption of the resolution.

Remarks by Senator Parks.

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

Equality Day in Nevada is sponsored by the Stand Out for Equality Campaign, a state-wide alliance of 35 community organizations in support of lesbian, gay, bi-sexual and transgender civil rights. Its mission is to win equality and justice for LGBT Nevadans and their families. Stand Out for Equality recognizes that, while significant cultural, legal and governmental advances have lead to greater equality for LGBT Nevadans, they and their families remain highly vulnerable without the vast majority of rights and protections that most Nevadans take for granted. Through education, organizing and advocacy programs, Stand Out for Equality works toward creating a broadly diverse alliance of LGBT persons and their allies in government, communities of faith, labor, all sectors of the work force and other social justice movements to achieve equality for LGBT Nevadans and the broader goal of social, racial and economic justice. I urge your approval of Senate Concurrent Resolution No. 25. Thank you.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Horsford moved that Senate Bills Nos. 331 and 358, be rereferred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

Senator Care moved that Assembly Bills Nos. 109, 163, 407 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Care.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 22.

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

Motion carried.

Assembly Bill No. 24.

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

Motion carried.

Assembly Bill No. 54.

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

Motion carried.

Assembly Bill No. 60.

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

Motion carried.

Assembly Bill No. 87.

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

Motion carried.

Assembly Bill No. 119.

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

Motion carried.

Assembly Bill No. 162.

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

Motion carried.

Assembly Bill No. 218.

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

Motion carried.

Assembly Bill No. 220.

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

Motion carried.

Assembly Bill No. 236.

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

Motion carried.

Assembly Bill No. 239.

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

Motion carried.

Assembly Bill No. 267.

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

Motion carried.

Assembly Bill No. 297.

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

Motion carried.

Assembly Bill No. 320.

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

Motion carried.

Assembly Bill No. 333.

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

Motion carried.

Assembly Bill No. 360.

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

Motion carried.

Assembly Bill No. 370.

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

Motion carried.

Assembly Bill No. 397.

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

Motion carried.

Assembly Bill No. 399.

Senator Care moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 413.

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

Motion carried.

Assembly Bill No. 442.

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

Motion carried.

Assembly Bill No. 467.

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

Motion carried.

Assembly Bill No. 471.

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

Motion carried.

Assembly Bill No. 483.

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

Motion carried.

Assembly Bill No. 496.

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

Motion carried.

Assembly Bill No. 500.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 133.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

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. 35; Assembly Concurrent Resolution No. 2.

REMARKS FROM THE FLOOR

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

Senate Bill No. 119 requires a licensed massage therapist to display the original copy of a license issued by the Board of Massage Therapists at each place a massage is performed. Additional provisions in the bill prohibit the production or display of counterfeit or duplicate licenses. Senate Bill No. 119 also prohibits advertising for massage services by unlicensed persons and prohibits licensed therapists from using false or misleading statements in advertising. The bill gives the Board additional investigative and enforcement authority to carry out these provisions, including the authority to impose new fines for violations of the law. Finally, Senate Bill No. 119 provides for certain confidential information to be shared between the Board and law enforcement agencies under certain circumstances. This bill is effective on October 1, 2009.

Turning to section 7 of the bill, this section is simply an expansion of the Board's existing authority with regard to unlicensed activity. Currently, if the Board discovers that an individual is engaged in unlicensed activity, they are limited to notifying that person that they may be in violation of the provisions of NRS 640C. This section expands that authority to enable the Board to issue citations to individuals practicing without a license.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Reina Cruz.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Reverend William C. Webb and Violene Webb.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Brian Alvarez, Patrick Patin, Marlene Adrian, Douglas Adkins, Jyl Agustin, Steve Amend, Reverend Neal T. Anderson, Byllie Andrews, Tammie Bain, Carline Banegas, Sybrina Bernabei, Angela Brooks, Pam Brooks, Holly Carratelli, Ashley Carratelli, Jodie Dearborn, Danton Dicotignano, Jay Dicotignano, Jayson Dicotignano, Desiree Duncan, Denise Duarte, Paul Ershler, Joel Flamenbaum, Justin Gibson, David Gordon, Melissa Goodwin, Pam Graber, Lynn Greer, Laura Grotz, Vanessa Harden, Nicole Harvey, James Healey, Frank Hermann, Christina Hernandez, Billy Howard, Mark Holland, Jasmin Imdanat, Crystal Jackson, Bill Jacobs, Denise Jay, Kyle Jerro, Bonnie Johnson, Taylor Johnson, Chandler Levrich, Jeromy Manke, Suzanne Miele, Gwen Migita, Christopher Miller, Vicenta Montoya, Candice Nichols, Rebecca Lynn Palmer, Joseph Raba, Diana Rhodes, Pamela Roberts, Victoria Roche, Lauren Scott, Robert Schlegel, Crystal Smith, Charles Vanage, Karen Vibe, Jessica Weiss, David White, Terry Wilsey and David Zeigler.

Senator Horsford moved that the Senate adjourn until Friday, April 24, 2009, at 10:30 a.m.

Motion carried.

Senate adjourned at 1:27 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate