

**THE NINETY-FOURTH DAY**

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CARSON CITY (Wednesday), May 6, 2009

Senate called to order at 11:40 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Jeremy Malekos.

Dear heavenly Father, we thank You for this beautiful day, and the breath You have given to us. I thank You for putting each man and woman in this building in the position of leadership and authority in this great State. I ask You that Your favor rest upon this State and Senate and in this Nation.

I especially want to lift up to You, the youth; I pray that the decisions made and the laws in this room would protect, provide and position this next generation to achieve Your highest purposes for their lives.

In Jesus' Name, 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 Commerce and Labor, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

*Mr. President:*

Your Committee on Health and Education, to which was referred Assembly Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VALERIE WIENER, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 73, 377, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 5, 2009

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 12, 14, 141, 161, 216, 240, 391; Assembly Bills Nos. 536, 538.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 20, 81, 149, 426, 528, 535.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 27, 28, 29.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

By Senators Coffin, Amodei, Breeden, Care, Carlton, Cegavske, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse:

Senate Resolution No. 8—Honoring the accomplishments of Steve Fossett.

WHEREAS, The spirit of adventure has forever been a cornerstone of our great nation, and no one has personified that quality more than world-famous aviator, business executive and sailor James Stephen Fossett; and

WHEREAS, Although Steve Fossett always maintained that he was not a "thrill seeker," his inclination to "test things out" evidenced itself at the young age of 3 when he discovered the starter button on a car and proceeded to experiment, jerking the car repeatedly down the street for several blocks; and

WHEREAS, At the age of 11, Steve joined the Boy Scouts of America, and he attained the rank of Eagle Scout by demonstrating his Scout Spirit, service and leadership, characteristics that fostered the accomplishment of amazing feats throughout his life; and

WHEREAS, Steve graduated with a bachelor's degree in economics from Stanford University in 1966, and in 1968, he earned a master's degree in business administration from Washington University in St. Louis, Missouri, and in that same year married his beloved wife and lifelong supporter Peggy; and

WHEREAS, Launching a successful career in Chicago, this entrepreneur soon began amassing his fortune through trading futures and options, and he established the successful brokerage companies Lakota Trading, Marathon Securities and Larkspur Securities; and

WHEREAS, Steve added high-powered adventure to the family and business aspects of his life and became an American legend as he swam the English Channel, completed an Ironman Triathlon, competed in the Iditarod Trail Sled Dog Race, set cross-country skiing records in Colorado, participated in the Le Mans road race, climbed some of the world's highest peaks, including the Matterhorn and Mount Kilimanjaro, and circumnavigated the earth ballooning, sailing and flying; and

WHEREAS, The name Steve Fossett has become somewhat synonymous with achievements in aviation because of such exploits as completing the first around-the-world, nonstop solo balloon flight, setting an absolute world speed record for Zeppelin airships as one of only 17 Zeppelin captains in the world, setting nonsupersonic speed records in a Cessna Citation X and establishing a new world record for glider altitude; and

WHEREAS, In 2007, to honor this aviator who holds 116 official world records in the five different fields of sailboats, balloons, airplanes, gliders and airships, the National Aviation Hall of Fame added Steve Fossett's name to the Enshrinee List for Jet Age aviation achievements; and

WHEREAS, The Nevada Legislature was saddened to learn of the untimely death of this earnest adventurer when the plane he was flying went down not long after taking off from a Nevada ranch on a mission to find an appropriate location for an attempt to break the land speed record in a rocket-propelled car; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That the members of the Nevada Senate honor the accomplishments of Steve Fossett and express sincere condolences to his wife and all those who loved him; and be it further

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

Senator Coffin moved the adoption of the resolution.

Remarks by Senator Coffin.

Senator Coffin requested that his remarks and a letter from Barron Hilton be entered in the Journal.

Thank you, Mr. President. Little needs to be said about Steve Fossett that has not been said for years in the public media, and the resolution is all encompassing.

We must ask ourselves, how do we relate to a person like Steve Fossett? He was a man who achieved his life-long goals in financial dealings, and instead of sitting back and enjoying life by clipping coupons, he decided to stretch the limits.

In the resolution, it states Steve Fossett claimed not to be a thrill seeker. To many of us walking down a crowded street might be a thrill. Steve pushed the limits so far that we admired him as an adventurer. He always calculated his risks. He did things to make life better for all of us.

Many people do not know that many of the successful and sometimes unsuccessful ventures were made in order to create and test new technology. When he flew around the world nonstop and alone in 3.5 days, he was flying an airplane constructed almost entirely of composites. Today, Boeing is making aircraft in virtually the same way. Someone had to be first, and in many ways, Steve Fossett was the first whether it was on sea, land or air.

He was not just a thrill seeker. He was an experimenter, a pioneer, and though he took risks, they were always, in his mind, within a margin that he could survive and that he could live to talk about what had happened much as a test pilot would.

We have in the resolution the public record of Steve Fossett. Many of us do not know the wonderful friendships he made, such as with Sir Richard Branson who he flew with around the world in a balloon. They nearly made it all the way home. I was watching the Internet at Christmas on that day in 1998 when they suddenly had difficulties with their craft. There was much political uncertainty around the world during that flight and that uncertainty affected the route the balloon had to take. I have been on a balloon flight, and have seen how difficult it is to navigate around Reno in one. Imagine doing this around the world and with no propulsion. They had to navigate around Iran, which had threatened to shoot them down, and China, which prohibited their passage through China's air space. On the Internet, I watched the crash of the balloon as it fell into the ocean near Hawaii. I saw their heading change, their air speed drop to zero and their altitude plummet. I thought, at that moment, I was living a life with this man as millions of other people were around the world. This is an illustration of how our world has shrunk. The Internet can bring you into life's great experiences with other people.

We related early on because I was asthmatic as a child growing up in California. Steve moved to a town near me when he was in his early teens. He was asthmatic also. He overcame it just as I did by luck, by happenstance, by family caring, and it showed that you can accomplish great things even if you have lived a life stunted because you cannot breathe. I have felt that panicky feeling as a youth. I can relate to the feelings he had when there are days and nights you cannot breathe.

He went out of his way to prove a person can live a full life. Unfortunately, his life came to a sudden and tragic end doing the things that he loved to do. He was flying a plane out of the Flying M Ranch south of Carson City owned by Barron Hilton.

This is an appropriate opportunity to honor a fellow American, a person who showed to us and to our children that we could live a life of adventure and amusement at the same time. His life did not end right. It ended tragically and much too soon. Unfortunately, that is the way life will end for all of us. If we could leave 10 percent of what Steve Fossett left behind, we would all leave the world a richer place.

Barron Hilton sent a letter yesterday which I will read for you today.

"I am writing to thank you for arranging for the Senate Proclamation in honor of our late friend, Steve Fossett.

Out of the nearly seven billion people on this planet, Steve had to be the greatest adventurer of them all. He was passionate about setting records; a trait that I believe had its beginnings in his youth. He was a Boy Scout who was driven to achieve every available merit badge. He went on to be an Eagle Scout, and utilized the same approach to goal setting and achievement in his personal and business life.

I am so pleased that his wife, Peggy, and members of his family will be with you tomorrow in Carson City for the issuance of the Proclamation. Steve grew very fond of Nevada, and his memory and remarkable spirit of adventure, will live on in the young people of our State.

Thank you for remembering Steve in such a touching and personal way."

Barron Hilton has been a Nevada resident off-and-on for many years. Thank you, I urge your adoption of this resolution.

Resolution adopted.

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

Senate Concurrent Resolution No. 30—Commemorating the 90th anniversary of the Reno Rodeo.

WHEREAS, This year marks the 90th anniversary of the Reno Rodeo, the "Wildest, Richest Rodeo in the West"; and

WHEREAS, The Reno Rodeo is the third-largest regular season rodeo out of a field of hundreds held nationally each year, is the fourth-richest Professional Rodeo Cowboys Association tour rodeo and has garnered coverage on national television showcasing champion athletes in the sport of rodeo; and

WHEREAS, An economic force in Reno and Sparks, the Reno Rodeo draws an estimated 120,000 attendees, generating millions of dollars for lodging, gaming, dining and retail establishments; and

WHEREAS, The Reno Rodeo is a not-for-profit event, run by countless dedicated volunteers, with only two full-time staff members; and

WHEREAS, In addition to the exhilarating 10-day rodeo, the Reno Rodeo Parade, the Cattle Drive and the Chalk the Walk Streetpainting Festival provide excitement for diverse rodeo enthusiasts; and

WHEREAS, The Reno Rodeo Foundation is a not-for-profit organization that is considered the heart of the Reno Rodeo Association, having donated over \$5.1 million dollars since 1986; and

WHEREAS, The Foundation serves northern Nevada children with exceptional needs and their families in a multitude of ways, provides community partnership grants and offers scholarships to the University of Nevada, Reno, and to veterinary programs; and

WHEREAS, The special license plate for the support of rodeos from the Department of Motor Vehicles and the "Rhythm & Rawhide" benefit concert with the Reno Philharmonic Association also create funding for the charitable programs of the Reno Rodeo Foundation; and

WHEREAS, The Reno Rodeo consistently delights the residents of northern Nevada with exhibitions of athleticism, pageantry and humor; and

WHEREAS, The Reno Rodeo provides a venue for the display and admiration of the fine livestock of this State and preserves part of the State of Nevada's cultural patrimony in the continuation of the rodeo tradition of the West; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature commemorate the 90th anniversary of the Reno Rodeo and salute the western tradition it upholds; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Gordon Cowan, President of the Reno Rodeo Association, and to John A. Solari, President of the Reno Rodeo Foundation Board of Trustees.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

It is a great privilege to be able to speak to this resolution as a representative of the Washoe County area. The Reno Rodeo has become one of our great events that we celebrate and enjoy each year. It is hard to believe that the Reno Rodeo started back in 1919. This is the 90th year for the Reno Rodeo.

When I was growing up, I lived close to the rodeo grounds, and as a young boy in the 1930s, I slipped into those grounds and watched many of the events. The rodeo has grown into the third-largest, regular-season rodeo out of the hundreds of rodeos held nationally each year. The professional participants look forward to participating in one of the great rodeo events of our Country. The Reno Rodeo is now the fourth richest Professional Cowboys' Association rodeo. We get to see some of the great riders from around the Country right here in Reno. It is now a ten-day event. It used to last three days. There is a major parade and a cattle drive. It is an exciting event for the participants and those who come to watch, but it is one of the greatest tourism businesses in the State. This rodeo is one of the reasons the National Finals Rodeo is in Las Vegas.

We are fortunate to have this, here, in the Reno area. It is not only a great opportunity for the performers and the audience, but it is a great contributor as a not-for-profit organization to donate to those charities that benefit from the profits distributed from its activities. Over \$5 million has been contributed over the past several years. It is my privilege to have the Senate commemorate this significant event and to wish them well with the hopes they continue and will grow during their next 90 years.

Resolution adopted.

Senator Raggio moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 31 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Senate in recess at 12:06 p.m.

#### SENATE IN SESSION

At 12:08 p.m.

President Krolicki presiding.

Quorum present.

By Senators Raggio, Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Rhoads, Schneider, Townsend, Washington, Wiener, Woodhouse;

Assemblymen Gansert, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Spiegel, Stewart and Woodbury:

Senate Concurrent Resolution No. 31—Recognizing the month of May as Dandy-Walker Syndrome and Hydrocephalus Awareness Month.

WHEREAS, The Dandy-Walker Alliance, Inc., is the only national organization focusing on the promotion of the public good and support of education, informational activities and nonpartisan research that increases public awareness of the congenital birth defect known as Dandy-Walker Syndrome; and

WHEREAS, Dandy-Walker Syndrome is the most common congenital malformation of the cerebellum, and its causes are largely unknown; and

WHEREAS, Between 10,000 and 40,000 people in the United States have Dandy-Walker Syndrome; and

WHEREAS, The incidence of Dandy-Walker Syndrome is at least one case per every 25,000 to 35,000 live births, but this is likely a significant underestimate because of difficulties in diagnosing the syndrome, and it may affect as many as 1 in 5,000 liveborn infants; and

WHEREAS, Patients with Dandy-Walker Syndrome present with developmental delay, enlarged head circumference or signs and symptoms of hydrocephalus; and

WHEREAS, All Americans should learn about Dandy-Walker Syndrome and hydrocephalus and recognize the achievements of all Americans with disabilities, the important role that they have played throughout the entire history of the United States and the scientific, literary and social impact of Americans with disabilities in our world today; 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 recognize the seriousness of Dandy-Walker Syndrome and express their support for continued research and for the promotion of increased public awareness and understanding of the syndrome; and be it further

RESOLVED, That the members of the Legislature hereby recognize the month of May as Dandy-Walker Syndrome and Hydrocephalus Awareness Month; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Dandy-Walker Alliance, Inc.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

Thank you, Mr. President. This is an important resolution that was brought to our attention some weeks ago by Blanca Cardenas. Blanca could not be here, today, but is watching this resolution's adoption from her home in Las Vegas. I want to say hello to Blanca on behalf of the Senate.

I would like to thank Blanca on behalf of the Senate and the Legislature for making us aware of Dandy-Walker Syndrome, its affects and what it has done to so many in this country and around the world.

I also want to thank the Chair of Legislative Operations and Elections Committee, Senator Woodhouse, for allowing us to introduce this resolution at the request of Blanca Cardenas. We will adopt this and submit it to the Assembly for their adoption.

I personally did not know anything about the Dandy-Walker Syndrome before this and have recently learned that there is a great deal of ongoing research regarding this syndrome through the Dandy-Walker Alliance Incorporated, the only national organization that is focusing on the education, support and informational activities for this illness. It is the most common congenital

malformation of the cerebellum, and the causes, as I understand, are largely unknown but there are between 10,000 and 40,000 people in the United States that have Dandy-Walker Syndrome.

The purpose of this resolution is to recognize this month of May as Dandy-Walker Syndrome and Hydrocephalus Awareness Month. I want to ask the Senators here, today, and members of our Legislature to join in supporting the resolution to bring more awareness to this syndrome that is certainly of great concern and importance to those families who deal with the disabilities.

I again would like to thank Blanca Cardenas for bringing this to our attention and assure her that we will use our combined efforts to bring awareness and more support to Dandy-Walker Syndrome.

Resolution adopted.

Senator Raggio moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 31 be immediately transmitted to the Assembly.

Motion carried unanimously.

By Senators Care, Amodei, Breeden, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, Woodhouse; Assemblymen Carpenter, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, 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, Ocegüera, Ohrenscha11, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury:

Senate Concurrent Resolution No. 32—Commending Frank W. Daykin, former Legislative Counsel and current Uniform Law Commissioner, for his public service.

WHEREAS, Frank W. Daykin was born October 28, 1920, in East Cleveland, Ohio, to Dr. F. W. Daykin and Maria K. Daykin, and began his education early in life while accompanying his father on patient house calls throughout the community and later attended East Cleveland public schools and Adelbert College, receiving a degree in mathematics and physics; and

WHEREAS, During World War II, Frank was commissioned a 2nd Lieutenant with the Army Signal Corps, where he was assigned to the first radio broadcast operating detachment with General George S. Patton's Western Task Force, landing in Morocco on November 8, 1942, and later as a Captain, served as a signal supply officer on the staff of the Seventh Army, landing in Southern France on August 15, 1944, and had reached the Bavarian Alps at the time of the German surrender on May 8, 1945; and

WHEREAS, After the war, Frank returned to East Cleveland where he earned his law degree in 1948 from the School of Law at Western Reserve University and practiced law while operating a farm before moving to Nevada; and

WHEREAS, During his distinguished legal career Frank became a member of both the Ohio and Nevada State Bar Associations and was additionally admitted to practice before the 6th, 9th and 10th Federal Circuit Courts as well as the United States Supreme Court; and

WHEREAS, Frank began his career at the Legislative Counsel Bureau in 1963 and retired from the position of Legislative Counsel in 1986; and

WHEREAS, As Legislative Counsel, Frank emphasized that the laws were made by the Legislators and, whether or not he personally opposed a particular law, he tried to write it precisely and impartially, and during his time as Legislative Counsel and for years thereafter, the term "Daykinism" was frequently heard in the legislative halls and committees to aptly describe his commitment to making the statutes consistent and grammatically correct; and

WHEREAS, Frank drafted many laws while serving the Nevada Legislature, including the law that allowed corporate ownership of casinos and the "one man, one vote" legislation which led to Clark County taking over the majority of the seats in the Legislature, and he also led the effort to amend the Nevada Constitution to include the southern tip of the State, including Clark County, in the boundaries of Nevada, correcting a "bookkeeping" oversight of 115 years; and

WHEREAS, During his career as Legislative Counsel, Frank became a Uniform Law Commissioner representing Nevada on The National Conference of Commissioners on Uniform State Laws, and he continues to ably serve as one of Nevada's most distinguished Commissioners; 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 commend Frank W. Daykin for his many years of continued devotion to public service.

Senator Care moved the adoption of the resolution.

Remarks by Senators Care, Raggio and President Krolicki.

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

SENATOR CARE:

I met Frank during my first session in 1999 when he was testifying on the Judiciary Committee. I came to know him when I attended the Uniform Law Commission in 2000 in St. Augustine, Florida. The organization is 117 years old with its membership consisting of about 300 active state and federal trial and appellate court judges, law school professors, legislators and practitioners from many different occupations.

As a child, some of us fall in love with baseball and we memorize all of the statistics on the back of the baseball cards. We know the batting average of Yogi Berra in 1953 and so forth. Frank has done that with the entire volumes of the Nevada Revised Statutes as well as every published Nevada Supreme Court case. You cannot stump Frank on any of this information. I have had many discussions with Frank when we are talking about a uniform act and it brings to mind a certain Supreme Court case from 1939 or something under Chapter 648 or whatever. It is an astounding thing he can do. He does it well, and he enjoys doing it.

I developed a tremendous amount of respect for him just at that level, but I also learned during the ensuing years that he is well known within the Uniform Law Commission. Among other committees Frank has served on, in addition to the numerous drafting committees and study committees, is the Committee on Style. There are Daykinisms floating throughout the land that have been put into Uniform Acts that have been adopted in all of the 50 states.

There are members of this body who have known Frank longer than I have. There was a time when Frank drafted everything or reviewed everything that was written by someone else. That was a tremendous task. I am proud to stand here and speak on behalf of the resolution. It is overdue and well deserved.

SENATOR RAGGIO:

As the longest serving Senator in this body, I would be remiss if I did not recognize Frank Daykin and his many years of service. We have had many distinguished people in that position. Russ McDonald was the Legislative Counsel when I first came here. He had his own style and was brilliant. After him was Clint Wooster, and then came Frank Daykin in 1986. He served as our Legislative Counsel for 23 years. During that time, the Legislature changed a great deal. We used the Statutes of Nevada when I started. That was a compilation of Nevada laws. We transitioned into the Nevada Revised Statutes we use today. Frank made sense out of them. He was meticulous in seeing to it that everything was proper. We used the term Daykinism and style. We went through the metamorphosis as to whether we would use "shall" or "may" or "when" and "hence." He was like a mother hen looking over our shoulders to make certain whatever we wrote or spoke was appropriate. Today, we owe him a great deal. Our Nevada Revised Statutes and our system of lawmaking and legislation is one of the most effective, concise and correct in the Country. Frank Daykin can be called the father of our modern legislative process in our State.



I say these nice things about Frank notwithstanding the fact that he authored the one-man-one-vote legislation that stripped the counties giving all the power to Clark County. I had forgotten about that. Over my strenuous objection, he corrected the part of our State Constitution that omitted Clark County from the State of Nevada, just kidding. But, Frank was certain to make sure that everything was done properly. We owe him a great deal of gratitude for many years of dedicated service. I am pleased to hear he is still involved in the Commission. I know that since his departure from here, many groups and organizations who have wanted legislation have gone to Frank to have him draft it. I doubt much is changed by our current Legal Counsel when the draft comes from Frank. His authorship is highly respected. Thank you, Frank, for all of your years of service.

MR. PRESIDENT:

I would be remiss Mr. Daykin, if I did not share the story of when you were in retirement, one of the great financial matters before the State when I was State Treasurer was Lease-Purchase Financing. We needed a test case to challenge the old Hancock ruling. Frank, with that grin you have, showed up in the Supreme Court and though it took a long time to do so, Lease-Purchase Financing is available to the State, the Printing Office across the street, the Bryan Building and many other things are part of your legacy.

Resolution adopted.

Senator Care moved that all rules be suspended and that Senate Concurrent Resolution No. 32 be immediately transmitted to the Assembly.

Motion carried unanimously.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 6, 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. 31.

DIANE M. KEETCH

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 31—Urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the human rights and property rights of the Ecumenical Patriarchate.

WHEREAS, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world; and

WHEREAS, Ecumenical Patriarch Bartholomew, See leader, cosponsored the Conference on Peace and Tolerance in 1994 and 2005, fostering an interfaith dialogue among Christian, Jewish and Muslim religious leaders to help end regional ethnic conflicts; and

WHEREAS, In 1997, the United States Congress awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal; and

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300,000,000 members worldwide with more than 2,000,000 members in the United States; and

WHEREAS, Since 1453, the presence of the Ecumenical Patriarchate as international head of the Greek Orthodox Church in Turkey testifies to religious coexistence; and

WHEREAS, The Turkish government has limited those able to hold the office of Ecumenical Patriarch to Turkish nationals, threatening the viability of succession; and

WHEREAS, The Turkish government confiscated a large percentage of the Ecumenical Patriarchate's and the Greek community's properties, placed a high tax on one of the Patriarchate's charity hospitals, the Baloukli Hospital and Home for the Aged, and closed the Theological School of Halki in 1971, impeding Orthodox clergy training; and

WHEREAS, The European Council began accession negotiations with Turkey, and the Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the defined membership criteria for accession of the European Union; 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 do hereby urge the Government of Turkey to uphold and safeguard religious and human rights without compromise, to grant the Ecumenical Patriarch appropriate international recognition, including ecclesiastic succession and the right to train clergy of all nationalities, and to respect the human rights and property rights of the Ecumenical Patriarchate, including cessation of discrimination; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States and each member of the Nevada Congressional Delegation.

Senator Raggio moved the adoption of the resolution.

Remarks by Senator Raggio.

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

A few years ago, during a trip to Istanbul, Turkey, I became aware of the situation involving the Turkish government and the Ecumenical Patriarch Bartholomew, who is the leader of the faith with 300 million members throughout the world. The issue was the recognition by the government of Turkey and their limitation by decree on those who can hold the office of Ecumenical Patriarch to Turkish nationals. That decree violated the edicts of the religion.

When I was contacted by Reverend Father George Bratiotis of Reno, he requested that this be brought before the Legislature and to have an appropriate resolution that would indicate the need to have this situation recognized as inappropriate. This resolution urges the government of Turkey to grant that recognition and to afford the respect that should be due.

I cosponsored this resolution for that purpose. I do so with a sense for what is right and what is fair. Respect ought to be granted to the human rights and property rights of those who are of this faith. Though not of that faith, I support the intent of this resolution and request the body to approve this resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 421—AN ACT relating to state personnel; temporarily suspending the payment of longevity pay and merit pay increases for state employees; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 20.

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

Motion carried.

Assembly Bill No. 81.

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

Motion carried.

Assembly Bill No. 149.

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

Motion carried.

Assembly Bill No. 426.

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

Motion carried.

Assembly Bill No. 528.

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

Motion carried.

Assembly Bill No. 535.

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

Motion carried.

Assembly Bill No. 536.

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

Motion carried.

Assembly Bill No. 538.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 311.

Bill read second time and ordered to third reading.

Assembly Bill No. 475.

Bill read second time and ordered to third reading.

Assembly Bill No. 499.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Assembly Bills Nos. 29, 47, 48, 49, 71, 85, 97, 122, 168, 174, 176, 177, 194, 209, 213, 230, 231, 242, 248, 257, 259, 274, 353, 362, 364, 389, 410, 415, 429, 459, 516 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 182.

Bill read third time.

Roll call on Senate Bill No. 182:

YEAS—21.

NAYS—None.

Senate Bill No. 182 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 201.

Bill read third time.

Roll call on Senate Bill No. 201:

YEAS—20.

NAYS—Cegavske.

Senate Bill No. 201 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 411.

Bill read third time.

Roll call on Senate Bill No. 411:

YEAS—21.

NAYS—None.

Senate Bill No. 411 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412.

Bill read third time.

Roll call on Senate Bill No. 412:

YEAS—21.

NAYS—None.

Senate Bill No. 412 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414.

Bill read third time.

Roll call on Senate Bill No. 414:

YEAS—21.

NAYS—None.

Senate Bill No. 414 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS  
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 109.

The following Assembly amendment was read:

Amendment No. 576.

"SUMMARY—Deletes the provisions that place each state grazing board within the State Department of Agriculture. (BDR 50-495)"

"AN ACT relating to state grazing boards; deleting the provisions that place such boards within the State Department of Agriculture; requiring each state grazing board to submit an annual report to the Legislature; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law creates a state grazing board for each Bureau of Land Management grazing district in Nevada and places each of those boards within the State Department of Agriculture. (NRS 568.040) This bill deletes the provisions that place each of those boards within the Department ~~and~~ requires each state grazing board to submit to the Legislature an annual report of its revenues and expenditures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 568.040 is hereby amended to read as follows:

568.040 1. To direct and guide the disposition of the range improvement fund of each grazing district concerned, in the manner most beneficial to the stock raising payers of the grazing fees from which the funds are derived and to the counties concerned, there is hereby created ~~[within the State Department of Agriculture]~~ a state grazing board for each Bureau of Land Management grazing district established and existing in Nevada under the provisions of the Taylor Grazing Act.

2. Each state grazing board created by subsection 1 shall submit an annual report of its revenues and expenditures to the Director of the Legislative Counsel Bureau not later than February 15 of each year for transmittal to the Legislature.

Senator Parks moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 109.

Motion carried.

Bill ordered transmitted to the Assembly.

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 Nick Vander Poel, Mel M. Meier, Dennis Meier and the "Kids for a Healthy Heart" from Fritsch and Bordewich Bray Elementary Schools: Enrique Sanchez, Brianna Alvarado, Aubrey Alotta, Dillon Culver, Abigail Downs, Sydney Mills, Tatum Woods, Alex Honeycutt, Jesus Benitez Ramos, Daisy Nunez, Elizabeth Heinz, Matthew McCarthy, Marcel Brown, Jenna Wong-Fortunato, Morgan Tingle, Jose Vargas, Jacob Sheldon, Zachariah Simms, Andrew Updegrove, Caroline

Gabica, Kelly Canfield, Tristan Martel, Ethan Lopes, Connor Pradere, Kaitlyn Vairo, Kyndra Holloway, Erika Murray; teachers: Mrs. Hurzel and Mrs. Valley.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Frank W. Daykin, former Assemblywoman Genie Ohrenschall, Linda Daykin, Phillip Daykin and Tyler Daykin.

On request of Senator Coffin, the privilege of the floor of the Senate Chamber for this day was extended to Peggy Fossett, Linda Dansby, Steve Dansby, Richard Fossett and Sara Fossett.

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

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to former Assemblyman Bob Price and Nancy Price.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students from the High Desert Montessori School: Kaylee Aceves, Mariah Bear, Mason Berfield, Heath Blake, Johnny Botelho, Garrett Brehler, Kristina Caywood, Benjamin Charley, Lindsey Christianson, Megan Davis, Ashley De Luca, Stephanie Dufoe, Thomas Friberg, Alejandro Keir, Henry Lee, Veronica LuVisi, Lisa Martin, Samantha Martinez, Tyler Miller, Natalie Nerey-Chavez, Selena Newman, Alexandra Orellana, Johanna Reyner, Guadalupe Reyes-Matute, Vince Stuart, Taylor Thorpe, Toni Tallifer, Sarah Vangegrift and Nicole Young.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Mark Elston, Beverly Elston, Mike Lucke, Alan Kingsley, Gordy Cowan, Clint Thiesse, Dee Eliades, John Copoulos, Jim Richardson, Chris Eliopulos, George Eliopulos, Robert Lindsay, Georgene E. Lindsay and Cynthia Nelson.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to the following students and chaperones from the David M. Cox Elementary School: Ainsley Banaga, Giavonna Bethea, Daniel Boeres, Sophia Burnette, Joseph Delgado, Zakary Dravenstatt, Chelsea Gleason, Natalie Hunsaker, Jordan Kowalski, Esha Kripalani, Sean Odell, Marissa Orlando, Allison Petix, Ashley Redmond, Alexis Rzesnowiecky, Danny Sanchez, Maximillian Schultz, Adelynn Tourondel, Colby Young, Victoria Young, Joseph Adams, Ana Andrade, Anthony Canedo, Noah Ellis, Jacob Fick, Matthew Gregory, James Hawley, Felipe Herrera, Juliana Hollenbeck, Donna Lee, Jenny Liu, Alexis Mata, Feliz Mendoza, Heidi Moser, Jennifer Sawtelle, Michael Sawtelle, Nathan

Scott, Ethan Smith, Braeden Traficanti, Kylie Jameson, Robert Turek, David Washington, Kylie Whalen, Anthony Mallinedo; chaperones: Jamie Hannah, David Westendorf and Anita Henson.

Senator Horsford moved that the Senate adjourn until Friday, May 8, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 12:46 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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