

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), May 2, 2011

Senate called to order at 11:16 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Eternal God,

Grant to the members and officers of this body a sacred moment of quiet before they take up the duties of this day. Let them not think, when this prayer is said, that their dependence on You is over and forget Your counsels for the rest of the day.

Rather from these moments of holy quiet, may there come such a sweetness of disposition that all may know that You are in this place.

So help us all this day through Your presence.

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, Labor and Energy, to which were referred Assembly Bills Nos. 32, 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce, Labor and Energy, to which were referred Assembly Bills Nos. 62, 203, 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 Education, to which was referred Assembly Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MO DENIS, *Chair*

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVEN A. HORSFORD, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 295, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ALLISON COPENING, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VALERIE WIENER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 28, 2011

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. 8.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

SECOND READING AND AMENDMENT

Assembly Bill No. 33.

Bill read second time and ordered to third reading.

Assembly Bill No. 55.

Bill read second time and ordered to third reading.

Assembly Bill No. 121.

Bill read second time and ordered to third reading.

Assembly Bill No. 211.

Bill read second time and ordered to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 2, 2011

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. 9.

MATTHEW BAKER

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 9—Memorializing Nevada's first Acupuncturist, Dr. Yee Kung Lok.

WHEREAS, As late as December 1972, the practice of acupuncture was considered in Nevada to be "not sufficiently well understood to be an acceptable method for use in the practice of medicine in this State"; and

WHEREAS, The Nevada Legislature became the first in the nation to declare traditional Chinese medicine, including acupuncture, a learned profession when Senate Bill No. 448 of the 1973 Session, authorizing the practice of Chinese medicine and acupuncture, was signed into law on April 20, 1973, and many states thereafter followed suit; and

WHEREAS, Credit for this unprecedentedly quick change in the status of the profession largely belongs to Dr. Yee Kung Lok, who worked tirelessly for this cause; and

WHEREAS, Yee Kung Lok was born in Shanghai, People's Republic of China, on June 17, 1913, to Lok King Qu and Wong Ming Chien and studied Chinese medicine and acupuncture in Shanghai as a disciple; and

WHEREAS, In 1973, Dr. Lok came to Nevada with the ambition to legalize the practice and, along with Arthur Steinberg, a patient he had treated in Hong Kong, and lobbyist Jim Joyce, began the arduous process of attaining this goal; and

WHEREAS, In the ultimate illustration of the adage that seeing is believing, Dr. Lok conducted a demonstration of acupuncture in the spring of 1973, in a clinic in the Ormsby House hotel and casino across the street from the Legislative Building; and

WHEREAS, Half of Nevada's 60 lawmakers and countless members of the public put themselves under the needles of Dr. Lok during this demonstration, and with assistance from only his wife, he treated more than 100 patients every day for 3 weeks; and

WHEREAS, The great majority of those patients claimed improvement, with some announcing astonishing results, such as an Assemblyman who reported that a 20-year sinus condition disappeared after needles were stuck in his forehead and alongside his nose; and

WHEREAS, Although one of those receiving treatment professed he "would follow him to Hong Kong," Dr. Lok graciously chose to settle in this State to continue helping Nevadans needing relief from their ailments and established a successful practice; and

WHEREAS, With the passing of Dr. Yee Kung Lok in Las Vegas on January 17, 2004, Nevada lost one of its most forward-thinking leaders in the field of medicine; and

WHEREAS, He is survived by his wife, Chien Ching Lok, their children and spouses Maria Ming Chu Pan and her husband Wei Pan, Dr. Peter Pak Ming Lok and his wife Merle Lok and Lucy Ming Wei Cheung and her husband Chiu Ming Cheung, as well as grandchildren Farrowe and Gerrine Pan, Henry Junwen Lok, Angela Meiwen Lok, Amanda Meihui Lok, Alvin Yao Wen Cheung and Anthony Yao Fang Cheung; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 76th Session of the Nevada Legislature note with admiration this awe-inspiring man's life and, with sorrow, this great loss; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dr. Lok's wife, Chien Ching Lok.

Senator Breeden moved the adoption of the resolution.

Remarks by Senator Breeden.

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

It is an honor to rise today to make a few remarks about the late Dr. Yee-Kung Lok, a man who helped pioneer Chinese medicine in the State of Nevada.

In 1972, Dr. Lok was recruited by Arthur Steinberg to help get the State of Nevada to legally recognize Chinese medicine. Dr. Lok, Steinberg, and lobbyist Jim Joyce convinced the legislature to allow a special demonstration of acupuncture.

For three weeks, Dr. Lok treated over 100 people a day in Carson City to demonstrate the healing properties of acupuncture. Due substantially to the hard work and demonstrations of Dr. Lok during the 57th Session of the Nevada Legislature, Senate Bill No. 448 of the 57th Legislative Session, legalizing Chinese medicine, was introduced. It was passed by the Legislature and was approved on April 19, 1973, by Governor Mike O'Callaghan.

Dr. Lok stated, "In 1973, I came to Nevada with a big dream. In April of 1973, that dream came true; Nevada became the first state to accept Chinese medicine as a learned medical profession." The contents of that bill can now be found in Chapter 634A of the Nevada Revised Statutes.

At the time, Dr. Lok's demonstrations and Nevada's legislative approval of Chinese medicine made both statewide and national headlines. What started in Carson City as a series of demonstrations by Dr. Lok has grown into a widespread legal acceptance of Chinese medicine.

Today, 34 states and the District of Columbia currently recognize Chinese medicine in their statutes and the practice of acupuncture is widely recognized as an effective treatment option.

Those Nevadans who have found healing through acupuncture have Dr. Lok's dedication and skill in 1973 to thank. Nevada's increasing Asian population and the expanding acceptance of Chinese medicine ensure that although Dr. Lok is no longer with us, his legacy lives on in the healing of ailing Nevadans.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.

Bill read third time.

Roll call on Assembly Bill No. 12:

YEAS—21.

NAYS—None.

Assembly Bill No. 12 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 18.

Bill read third time.

Remarks by Senators Brower and Roberson.

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

SENATOR BROWER:

I would appreciate it if someone could give us a summary of this bill and to explain what this bill does.

SENATOR ROBERSON:

Assembly Bill No. 18 reenacts statutes related to meetings of the State Board of Parole Commissioners. The bill prohibits the Board from denying parole unless a prisoner has been given notice of the Board meeting and an opportunity to be present, and requires the Board to allow prisoners or their representatives to speak. The measure also requires the Board to provide written notice of its final decisions concerning parole within ten working days after a hearing and, if parole is denied, specific recommendations to improve the possibility of being granted parole, if any.

This measure reenacts provisions of the Nevada Revised Statutes that the United States District Court of Nevada permanently enjoined the State from enforcing in the matter of American Civil Liberties Union (ACLU) of Nevada v. Masto, in 2008. Testimony indicated that these particular provisions are not directly related to the issues in that case. This bill is intended to express the intent of the Legislature that these provisions continue to apply.

Roll call on Assembly Bill No. 18:

YEAS—21.

NAYS—None.

Assembly Bill No. 18 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 83.

Bill read third time.

Roll call on Assembly Bill No. 83:

YEAS—21.

NAYS—None.

Assembly Bill No. 83 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 97.

Bill read third time.

Roll call on Assembly Bill No. 97:

YEAS—21.

NAYS—None.

Assembly Bill No. 97 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111.

Bill read third time.

Roll call on Assembly Bill No. 111:

YEAS—21.

NAYS—None.

Assembly Bill No. 111 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 125.

Bill read third time.

Roll call on Assembly Bill No. 125:

YEAS—21.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 142.

Bill read third time.

Remarks by Senators Brower, McGinness and Roberson.

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

SENATOR BROWER:

I would like an explanation on this bill.

SENATOR MCGINNESS:

Assembly Bill No.142 changes the threshold, expressed in terms of the amount of money or value misappropriated, stolen, or taken, between lesser and greater property crimes. The bill amends the penalty provisions for various property crimes, including accepting a kickback; fraud against an innkeeper; fraud in the course of an enterprise or occupation; etc.

In general, the bill changes the threshold between a misdemeanor and a gross misdemeanor, or between a misdemeanor and a category C or D felony, from \$250 to \$650. It also changes certain thresholds between a category B felony and a lesser felony from \$2,500 to \$3,500.

SENATOR ROBERSON:

When we heard this bill it made a lot of sense to look at some of the dollar amounts that had been in place for decades. This reflects the increase in inflation and cost of living since then.

Roll call on Assembly Bill No. 142:

YEAS—21.

NAYS—None.

Assembly Bill No. 142 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 147.

Bill read third time.

Roll call on Assembly Bill No. 147:

YEAS—21.

NAYS—None.

Assembly Bill No. 147 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 156.

Bill read third time.

Roll call on Assembly Bill No. 156:

YEAS—21.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 166.

Bill read third time.

Roll call on Assembly Bill No. 166:

YEAS—21.

NAYS—None.

Assembly Bill No. 166 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 168.

Bill read third time.

Roll call on Assembly Bill No. 168:

YEAS—21.

NAYS—None.

Assembly Bill No. 168 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 174.

Bill read third time.

Roll call on Assembly Bill No. 174:

YEAS—21.

NAYS—None.

Assembly Bill No. 174 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 217.

Bill read third time.

Roll call on Assembly Bill No. 217:

YEAS—21.

NAYS—None.

Assembly Bill No. 217 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250.

Bill read third time.

Roll call on Assembly Bill No. 250:

YEAS—21.

NAYS—None.

Assembly Bill No. 250 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 261.

Bill read third time.

Roll call on Assembly Bill No. 261:

YEAS—21.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 262.

Bill read third time.

Roll call on Assembly Bill No. 262:

YEAS—21.

NAYS—None.

Assembly Bill No. 262 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348.

Bill read third time.

Roll call on Assembly Bill No. 348:

YEAS—21.

NAYS—None.

Assembly Bill No. 348 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 464.

Bill read third time.

Roll call on Assembly Bill No. 464:

YEAS—21.

NAYS—None.

Assembly Bill No. 464 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breeden, the privilege of the Floor of the Senate Chamber for this day was extended to Dr. Peter Lok, Dr. Huiwen Zhang and Dr. Benny Lee.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to the following students from the Katherine Dunn Elementary School: Nikki Abuan-Rodriguez, Sofya Aguero, Jessica Arenas Hagler, Dylan Burkhart, Ismael Diaz, Kiara Druley, Ashleigh Fogal, Connor Freeman, Zachery Gaertner, Rebecca Graves, Hailey Ladd, Marcos Lopez, Richard Maramag, Montana Marsh, Christian Medina, Christian Miller, Ryan Mora, Misael Oregon, Vivian Sanchez, Cody Scoble, Jayden Scott, Chris Tonkin, Alyssa Tosado, Jody Vice, Elijah Wanco, Henry Aguilar, Elizabeth Aguilar, Vivian Alvarez, Karol Amaya, Caleb Ariaz, Savannah Barber, Dakota Davidson, Morgan Dayes, Jonathan De Leon, Irene Dominguez, Makayla Farmer, Kolton Ferro, Joseph Georges, Alex Gutierrez, Michelle Lara, David Lee, Ulises Martinez, Ixchel Mejia, Mary Jane Olivas, Adrain Ortiz, Erin Ramos, Nicolette Fimby, Joey Shugar, Rachel Shumsky, Joey Simon and Lilly Willson.

On request of Senator Horsford, the privilege of the Floor of the Senate Chamber for this day was extended to the North Las Vegas, Mayor, Shari Buck.

On request of Senator Lee, the privilege of the Floor of the Senate Chamber for this day was extended to Summer Alger and Thad Alger.

Senator Horsford moved that the Senate adjourn until Wednesday, May 4, 2011 at 11 a.m.

Motion carried.

Senate adjourned at 12:06 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate