

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), February 26, 2009

Assembly called to order at 11:09 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Leslie, who was excused.

Prayer by the Chaplain, Pastor Ron Torkelsen.

Dear God, in the Bible a promise is given that You are able to do immeasurably more than all we ask or imagine, according to Your power that is at work within us. As we look and listen at our surroundings we can see an incredible task before us. The people of Nevada are fearful of the future, job loss, home foreclosure, and their children's well being. These neighbors of ours are looking to this Assembly with hope that the government may be able to help stem the pain and worry of these circumstances. And yet, this is no simple task. Therefore, I pray for these men and women again today. I pray that their insight, wisdom, and compassion will be part of the solution to the pain, hurt, and hopelessness of so many they represent.

The task may not be simple but then your promise is to do more than we can possibly imagine. May your wisdom be ours. I pray that the decisions made here today will be those You can bless tomorrow.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 25, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Assemblyman Ocegüera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

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

Assembly Concurrent Resolution No. 10—Memorializing Las Vegas pioneer, businessman, husband and father Eugene “Toby” Hoban.

WHEREAS, The members of the Nevada Legislature were deeply grieved to learn of the passing of Eugene “Toby” Hoban on January 22, 2008; and

WHEREAS, Toby was born on May 10, 1929, in Chicago, to Eugene and Frances Hoban, and eventually made Las Vegas his home for 48 years of his rich and fulfilling life; and

WHEREAS, His wife’s grandmother first moved to Nevada in the late 1930s, and the Hobans now span six generations of proud Nevadans; and

WHEREAS, Loving and dedicated parents, Toby and his wife Mary Ann stayed involved with their children’s education, from parents’ clubs, raffles and carnivals at St. Anne Elementary School to Bishop Gorman High School football games; and

WHEREAS, This exemplary entrepreneur was a general contractor, owned a sheet metal business and worked at “Area 51”; and

WHEREAS, An adventurous spirit with a desire to help others, Toby became a part of the Jeep Posse in Clark County in the late 1950s, where he participated in search and rescue missions in conjunction with the Clark County Sheriff’s Department; and

WHEREAS, He took his dedication to the public safety of his community a step further as a volunteer with the City of Las Vegas Police Department in the 1960s; and

WHEREAS, In addition to his career, family life and volunteer work, Toby also devoted time to community activities as a past Exalted Ruler and lifetime member of the Benevolent Protective Order of Elks 1468; and

WHEREAS, In 1975, he served as the General Chairman of the Helldorado Rodeo, a distinctively Las Vegas celebration of Nevada’s western heritage since 1934; and

WHEREAS, On February 11, 2000, Eugene “Toby” Hoban and wife Mary Ann were given the key to the City of Las Vegas in celebration of their Fiftieth Wedding Anniversary; and

WHEREAS, Toby was preceded in death by his daughter Sheila, and he is survived by his beloved wife Mary Ann, whom he met at the age of 16, son Robert, daughter-in-law Renee, grandchildren Jennifer, John, Joseph and his wife Ashley, and Robert Jr. and his wife Tammy, and great-grandchildren Robert III and Nathan; 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 sincere condolences to the family of Eugene “Toby” Hoban; and be it further

RESOLVED, That this great Nevedan be remembered by all for his devotion to his family, a long and successful career and an unyielding commitment to the betterment of his community, whether it was achieved by traversing Clark County on search and rescue missions or working

together with his fellow Elks to organize a rodeo to celebrate the culture of this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Eugene “Toby” Hoban’s wife Mary Ann and his son Robert.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. In January of 2008, I was deeply saddened when I learned Eugene Toby Hoban had passed away. He was one my most beloved constituents, and one of the most beloved constituents of the predecessor in my seat, my mother, who represented District 12. It was always a treat when we got to visit with the Hoban family. I remember visiting with Toby in the living room, sitting in his big armchair, the King of the Hoban clan. He is someone who built and managed apartments, which was affordable housing in downtown Las Vegas. He helped a lot of people throughout his life, not just his family. He was integral in all our efforts to try and preserve the Huntridge neighborhood that we all grew up in. His son, Bob, is sitting with me today. He is very active with the city and serves on a couple of different boards, trying to improve things in the area that we grew up in. It is hard to know exactly what to say when you lose someone like that. He was a great father, a great husband, and a great pioneer for the city.

Resolution adopted.

Assemblyman Ohrenschall moved that all rules be suspended and that Assembly Concurrent Resolution No. 10 be immediately transmitted to the Senate.

Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Ocegüera:

Assembly Bill No. 215—AN ACT relating to contractors; expanding the circumstances under which an owner of a residence may recover damages from the Recovery Fund administered by the State Contractors’ Board for an act or omission of a contractor; clarifies the application of the limitation on amounts paid out of the Recovery Fund; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 216—AN ACT relating to health; revising the membership and duties of the Nevada Academy of Health; removing the prospective expiration of the Nevada Academy of Health; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 132.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Manendo, Aizley, Anderson, Carpenter, Claborn, Dondero Loop, Goicoechea, Hambrick, Hardy, Hogan, Koivisto, Leslie, McArthur, Mortenson, Munford, Ohrenschall, Parnell, Segerblom, Settlemeyer, Spiegel and Woodbury; Senators Breedon, Nolan, Schneider, Wiener and Woodhouse:

Assembly Bill No. 217—AN ACT relating to traffic laws; prohibiting minors from using cellular telephones and similar devices while operating motor vehicles; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Bustos.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Brooke Elton.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Schlemmer.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Feinstein.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Elisabeth Lenz Elementary School: Ashley Agrella, Olivia Amundsen, Kate Bogarin, Morgan Brace, Gavin Bullis, Shedelande Cooper, Michelle Chen, Lindsay Chong, McKenna Conway, Emily Cook, Abriana Crocitto, Jacob Dacus, Abigail Felch, Jackson Feldman, Frank Ferguson, Emily Freitas, Deanna Haghighi, Issac Hernandez, Emma Klacking, Nathan Magrogan, Wyatt Miller, Romina Miranda-Camacho, Caden Parker, Daniel Roberti,

Luke Smagala, Michael Ung, Keelin Winans, Spencer George, Shaye Marshall, Madison Angotti, Tyler Assiff, Travis Bohall, Jack Lyn Bullard, Madison Cameron, Mackenzie Cassas, Stephanie Combs, Hunter Conatser, Andrew Dobrowski, Tayaunna Eldridge, Willow Games, Benjamin Grenert, Ryan Gustafson, Kylee Johnson, Spencer Lloyd, Rachael Matsukas, McKenna Meyer, Samanta Nolan, Chase Ortiz, Nicole Paiva, Mary Katherine Parmer, Julia Rhodes, Terry Dana, Kailey Wessel, Matthew Wieland, Kurt Young, Forrest Zeiter, Ariana Wilson, Arianna Adams, Jason Bauman, Ian Burns, Kayla Cerfoglio, Breana Davis, Audrey Dobson, Kendyll Etchegoyhen, Emma Foster, Diana Hanna, Shelby Harris, Farren Harrison, Kaelin Henry, Konnor Kirsten, Zachary Lyons, Blake Mcevoy, Eric Miskow, Hunter Murphy, Dylan Noel, Ryan O'Connor, Allison Piccinini, Christopher Sears, Kimberlynn Shields, Drezick Smith, Logan Steedman, Breanna Ward, Connor Welsh, Austin Wood, and Haley Woods; teachers William Mobley, Barbara Rhodes, and Christina Hughes; Sarah Watt and Taylor Draper.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Damon, Callie Dorn, Jesus Gonzales, Marlana Schoeter, and Nathan Whipple.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Charlie Mann.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Callahan.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Vik Sehdev.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tonya Pack, Amelia Pack, Eric Pack, and Isaac Pack.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Berg and Tami Berg.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Ricky Rivera, Karra Ussery, Megan Laudenslager, and Jimmy Lotspeich.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Renee Hoban, Jennifer Lynn Hoban, Ashely Hoban, Joseph Hoban, Nathan Hoban, Tammy Hoban, MaryAnn Hoban, Robert E. Hoban, Donna Stauff, Sheila Arnos, Robert E. Hoban II, Robert E. Hoban III, Michael Hoban, Reginald Burns, Annamae Mullins, Maureen Hoban, Wayne Garner, and John M. Hoban.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Lynch, Linda Curtis, Mike Curtis, Jodi Pettersen, and Erin Lehman.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Henry.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Nomar Medina and Cathy Strachan.

Assemblyman Ocegüera moved that the Assembly adjourn until February 27, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly