

**THE EIGHTY-FIFTH DAY**

---

CARSON CITY (Monday), May 2, 2005

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

Look graciously, O Lord, upon this state and on those who are elected to make its laws. Where there is pride, subdue it. Where there is need, supply it. Where there is division, unite it. Where there is error, rectify it. Where there is misunderstanding, give pardon. Where there is despair, bring hope. Where there are those who are vulnerable and weak, bring compassion and justice. Where there is hatred, sow acts of kindness. Where there is callous disregard for the poor and the distressed, bring comfort and support. And there is the will to do the right and loving thing, support it.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley 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

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to the Committee on Ways and Means.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 29, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 295.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 91, Amendment No. 661, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 15.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel and Carpenter.

Resolution adopted.

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

Assembly in recess at 11:23 a.m.

## ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

## SPECIAL ORDERS OF THE DAY

The hour of 11:30 a.m. having arrived, vetoed Assembly Bill No. 135 of the 73rd Session was considered.

Vetoed Assembly Bill No. 135 of the 73rd Session.

Governor's message stating his objections read.

## OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, April 7, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, Nevada State Assembly, Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701-4947

DEAR SPEAKER PERKINS:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 135, which is entitled:

AN ACT relating to insurance; increasing the maximum annual amounts that may be assessed against certain insurers for purposes relating to investigation of insurance fraud; and providing other matters properly relating thereto.

The Legislature has established the Special Investigative Account within the State General Fund. This special account supports the programs established by the Commissioner of Insurance and the Attorney General's Insurance Fraud Control Unit to investigate and prosecute insurance fraud in our state.

Each year, both insurance and reinsurance companies transacting business in Nevada pay an assessment into the Special Investigative Account that is based upon the total amount of premiums charged to its policyholders. The fraud assessment constitutes good public policy. The policy supporting the assessment is that insurance fraud damages the industry and that, therefore, the industry has an investment in aggressively prosecuting fraud as a deterrent.

The Office of the Attorney General has requested two new investigators for the Insurance Fraud Control Unit in its proposed budget. Assembly Bill 135 was intended to provide funding for these new positions by increasing the annual fraud assessment levels. While it is always good to provide state agencies with needed resources, Assembly Bill 135 does not serve that purpose.

Deposits into the Special Investigative Account from current fraud assessment levels will grow during the next two years and this account has a healthy reserve should a shortfall in deposits occur during the upcoming biennium. The annual fraud assessment levels do not need to be increased. I am informed by our State Budget Division that the current fraud assessment levels will produce sufficient revenue to fund the existing services being provided and will also allow the Office of the Attorney General to hire the two insurance fraud investigators that have been requested by that office.

It does not constitute good public policy to pass along increased costs to our citizens when it is not necessary to do so. Further, no state agency should be provided with more funding than is needed to carry out its duties, even if state government is experiencing a substantial surplus in its revenues. Therefore, I must exercise my constitutional grant of authority to veto Assembly Bill 135.

Sincerely,  
Kenny C. Guinn  
*Governor*

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywomen Buckley and Angle.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I urge that this Body vote no and sustain the Governor's veto. For those of you who do not have the opportunity to serve in the Assembly Commerce and Labor Committee, I would like to give a little background on this bill and on this fund.

Nevada has one of the highest insurance rates in the nation. One of the contributing causes to this high insurance rate has been the issue of fraud, so in 1999 the Legislature established a fraud control unit in the Office of the Attorney General. The office's purpose was to look at all kinds of frauds: frauds by consumers, by businesses, by companies themselves, anything that might be driving up the cost of insurance in the state. The office, by all accounts, has been successful in doing a good job.

The bill that came before us, Assembly Bill 135, sought to raise the amount the insurance companies pay into this fund. This is one of those ironic areas where the creation of this office was always funded by an assessment against insurance companies and they begged us to be able to pay it, saying if they could reduce fraud it would ease their workload and make their business more competitive by eliminating insurance fraud. They came to our committee again this session and asked that the assessment be increased by \$250, and that is what this bill did.

I would note that the bill was offered by the Department of Administration, that is the Governor's Office, so it is the Governor's bill to fund the Attorney General and was supported by every insurance company with no opposition. That is why this bill was passed unanimously by the Legislature and received our full assent. If we had known that the Governor did not want the bill, if we had known that the Attorney General's Office did not think that they needed the

funds, we certainly would not have processed the bill. So, with those remarks, I urge this Body to sustain the veto by voting no.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I just want to make a small correction to my colleague's statement. There was one "No" vote. Thank you.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 135:

YEAS—None.

NAYS—Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, Weber—42.

Assembly Bill No. 135 having failed to received a two-thirds majority, Mr. Speaker declared the veto sustained.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Tiffany, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Wiener; Sibley, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Smith, and Weber:

Senate Concurrent Resolution No. 25—Commending Frank Lamping Elementary School on its visionary and ambitious science program.

WHEREAS, Frank Lamping Elementary School, located in Henderson, Nevada, is involving the entire community in its mission to give its students an advantage in science by planting the seeds of inquiry early and by exposing children to hands-on experiments that allow them to see, touch, taste, and smell the wonders of science at an early age; and

WHEREAS, On November 14, 2000, the Frank Lamping Elementary School opened its Christa McAuliffe Observatory, built with a grant procured by science teacher Cathy Grimes from the Christa McAuliffe Fellowship Program, providing the students, teachers, and the community the ability to view the planets and stars; and

WHEREAS, In the fall of 2004, the administration, faculty, staff and parents and friends of students at the Frank Lamping Elementary School raised nearly \$90,000 to bring the Space Explorers Program developed by the Total Learning Research Institute to southern Nevada; and

WHEREAS, The Space Explorers Program uses a three-quarters scale working model of the space shuttle cockpit and its corresponding mission control center to teach students teamwork

strategies, communication skills, critical thinking, problem solving, and decision making as they experience firsthand the tasks of shuttle pilots and mission control technicians; and

WHEREAS, The Frank Lamping Elementary School is now in the process of raising funds to build a 4,300 square foot science center and has formed a partnership with Barry and Audrey McCool of Las Vegas to honor their son, William McCool, space shuttle *Columbia's* pilot, by naming the future center the William McCool Science Center, a fitting memorial to William's plans to teach students the wonders of science when he retired from the National Aeronautics and Space Administration; and

WHEREAS, In the William McCool Science Center, students will become astronauts as they fly a model space shuttle cockpit with the help of a mission control station, astronomers as they study the stars and planets using the telescopes and planetarium, scientists as they experiment with biology, chemistry and physics in the science labs, paleontologists as they dig in the outdoor digging station and botanists as they compare and contrast the plant life in the tri-desert garden; and

WHEREAS, Implanting a love of learning and providing the tools to fuel the excitement that comes with increased knowledge are two of the greatest gifts we can give to the children of our nation as we prepare them to take on productive and satisfying lives in our society; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the vision and ambition of the administrators, faculty, staff and parents, and friends of students at Frank Lamping Elementary School as they continue to create a visionary and ambitious science program; and be it further

RESOLVED, That the residents of Nevada applaud the dedicated educators at Frank Lamping Elementary School who realize that instilling a love of science in children at the elementary school level strengthens the chance that some students will maintain that interest and eventually choose careers in scientific fields; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Michael O'Dowd, Principal of Frank Lamping Elementary School.

Assemblyman Sibley moved the adoption of the resolution.

Remarks by Assemblymen Sibley and Anderson.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 542.

Bill read second time and ordered to third reading.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

Senate Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 665.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 4, page 6, lines 15 and 16, by deleting: "the county clerk shall charge and collect a fee of ~~[\$5]~~ \$15 from" and inserting: "~~the county clerk shall charge and collect a fee of \$5 from~~ a board of county commissioners

*may impose by ordinance a filing fee in an amount not to exceed \$15 to offset a portion of the costs of providing programs of arbitration and other alternative methods of resolving disputes on”.*

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 4.

Amend the title of the bill to read as follows:

“AN ACT relating to courts; providing that a client of a legal aid program which provides services to indigent persons may be allowed to proceed as an indigent litigant without submitting further proof of indigency to the court; increasing the maximum amount of certain fees that certain boards of county commissioners may impose for the filing of certain actions in district courts and justices’ courts; providing that certain fees charged in connection with a civil action in a district court may be used to support programs for alternative methods of resolving disputes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes related to fees charged in district courts. (BDR 2-522)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 294.

Bill read second time and ordered to third reading.

Senate Bill No. 301.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 328.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 328 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 415 be taken from the Chief Clerk’s desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 71 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 318 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 4 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 675.

Amend section 1, page 2, line 34, after “requester.” by inserting:

“5. *If the primary requester of a measure will not be returning to the Legislature for the legislative session in which the measure is to be considered, the primary requester may authorize a Legislator who will be serving during that session to become the primary sponsor of the measure, either individually or as the chairman on behalf of a standing committee. If the Legislator who will be serving during that session agrees to become or have the committee become the primary sponsor of the measure, that Legislator shall notify the Legislative Counsel and may request to have his name or the name of the committee listed as an additional primary requester of the measure on the list.*

6.”.

Amend section 1, page 2, line 37, before “primary” by inserting “original”.

Amend the title of the bill, fourth line, after “Counsel;” by inserting: “authorizing an additional primary requester to be listed on the list of requests prepared by the Legislative Counsel in certain circumstances when a Legislator does not return to the Legislature; and providing other matters properly”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to requests by Legislators for preparation of legislative measures. (BDR 17-722)”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 413.

Bill read second time and ordered to third reading.

Senate Bill No. 472.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 104.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 104:

YEAS—42.

NAYS—None.

Assembly Bill No. 104 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Roll call on Assembly Bill No. 105:

YEAS—42.

NAYS—None.

Assembly Bill No. 105 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 532.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 532:

YEAS—42.

NAYS—None.

Assembly Bill No. 532 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 12:

YEAS—42.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker  
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Roll call on Senate Bill No. 108:

YEAS—42.

NAYS—None.



Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 137:

YEAS—42.

NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 271:

YEAS—42.

NAYS—None.

Senate Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblymen Mabey, Angle, and Anderson.

Roll call on Senate Bill No. 456:

YEAS—42.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Roll call on Senate Bill No. 504:

YEAS—42.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 458; Senate Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

#### UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 79, 82, 88, 92, 126, 178, 205, 227, 243, and 445; Assembly Concurrent Resolutions Nos. 24, 25, and 26; Assembly Resolution No. 5.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Steele and Kenneth C. Kleine.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Carns.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Shultz, Shelby Farney, Maggie Lee, Page Kirby, Victoria Fristed, Michelle Gibbons, Katie Kelly, Adrielle Fuller, Julia Callahan, Brittany Tipton, Karen Weihskopf, Victoria Rogers, Christy Shultz, Barbara Gibbons, and Jordan Burke.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Crow, Henry A. Weiner, and Michael Nolan.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Leonel Chavez, Dayanna Cortes, Mariah Crom, Ariel Dross, Andrea Duran, Amber Dutra, Hunter Ferguson, Justin Gerard, Diana Gonzalez, Tyler Hanninen, Alyssa Hawkins, Matt Knight, Drew Martinez, Micaela Mattice, Saxon Miskow, Jason Moriarty, Taylor Palmer, Rosa Perez, Ike Sanders, Sierra Snell, Nathan Sours, Angela Tallerico, Tehenia Telliano, Brandon Vecchirelli, Sara Velasco, Jessica White, Dakota Winward, Mrs. Schroeder, Mr. Ferguson, Matthew Aney, Alexis Bringham, Jake Burke, Diedre Cook, McKenna Davis, Dominique Felker, Ciara Ferrel, Paige Illingworth, Karlee Jones, Stephen Lemons, Sean Lokke, Jenny Machuca-Olayo, Taylor Martinez, James McCarty, Chelsea Mead, Kolt Mieras, Ramiro Montes, Candace Murphrey, Matthew Rios, Courtney Rosaaen, Brian Teetor, Skyler Vernon, Yadira Villa-Quintanilla, Shane Wedin, James Moriarty, Storey Ginn, Brandon Ahm, and Devin Nash.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 3, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE

*Chief Clerk of the Assembly*