

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), May 4, 2005

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

O God, as You anointed leaders and called prophets, bless these leaders in Your cause of love and compassion. May they be men and women who love Your people and can walk with them, who feel their pain and share their joys, who dream their dreams and seek to reach their common goal. In Your breath and with Your spirit, embolden and commission them to bring greatness to our political system, to serve Your people and bring real glory to Your name.

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 Education, to which was referred Senate Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 16, 21, 28, 49, 157, 164, 166, 256, 368, 469.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 203, 276, 502, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI

Assistant Secretary of the Senate

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

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:11 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Perkins and Senator Raggio:

Assembly Concurrent Resolution No. 27—Recognizing May 4, 2005, as Peace Officers' Memorial Day and May 15 through 21, 2005, as Peace Officers' Memorial Week in Nevada.

WHEREAS, Of all the promises America offers, none is more precious or more elusive than the right to be free from crime and violence; and

WHEREAS, The dedicated men and women who have chosen law enforcement as a career face extraordinary risk and danger in preserving our freedom and security; and

WHEREAS, Seeing a need to honor those who died trying to make a safer life for American citizens, on October 1, 1962, President John F. Kennedy signed Public Law 87-726 designating National Peace Officers' Memorial Day and National Police Week; and

WHEREAS, In 1994, the United States Congress and President William J. Clinton approved Public Law 103-322 directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 each year as a special tribute to the brave men and women who died upholding our laws and preserving public safety; and

WHEREAS, This year marks the 17th annual candlelight vigil held at the site of the National Law Enforcement Officers' Memorial in Washington, D.C., where, since 1989, thousands have gathered to salute all of America's law enforcement heroes, both past and present; and

WHEREAS, During the week of May 15 through May 21, 2005, National Police Week will be observed throughout the nation to increase public awareness of the hazardous work, serious responsibilities, strong commitment and sacrifices of our nation's peace officers and to provide the opportunity to appreciate the heroic men and women who have dedicated their lives to preserving public safety; and

WHEREAS, In conjunction with this important observance, May 4, 2005, will be observed as Peace Officers' Memorial Day and May 15 through 21, 2005, will be observed as Peace Officers' Memorial Week in Nevada in commemoration of those noble officers who have tragically sacrificed their lives in the line of duty; and

WHEREAS, These special observances provide all Nevadans with the opportunity to appreciate the heroic men and women who have dedicated their lives to preserving public safety; and

WHEREAS, The tragic loss felt when a peace officer is killed in the line of duty is expressed in these poignant words from a poem by Harry Koch:

Yes, somebody killed a policeman today,
It happened in your town or mine.
While we slept in comfort behind our locked doors,
A cop put his life on the line.
Now, his ghost walks a beat on a dark city street,
and he stands at each new rookie's side.
He answered the call and gave us his all,
And a part of America died;
now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby recognize May 4, 2005, as Peace Officers' Memorial Day and May 15 through 21, 2005, as Peace Officers' Memorial Week in the state of Nevada; and be it further

RESOLVED, That the Legislature urges all residents of this state to remember those who have given their lives while preserving our safety, to attend the special ceremonies held in their honor and to express appreciation to those who continue to face death every day in their dedication to making Nevada a safer place in which to live.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Assemblyman Perkins requested that his remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. It is my honor, not just to put forward, but to stand here in support of Assembly Concurrent Resolution 27. As the son of a police officer and as a police officer my entire adult life, I can remember where I was each and every time that I heard about the loss of an officer in our state. It is one of those stark realities that you know come with the job when you put yourself in harm's way for the safety of others.

We have lost more than 100 police officers in our state over the course of our state's history in the last 140 years, over 20 in my short law enforcement career, but I can tell you, we have a safer Nevada today because of their sacrifice. Our communities are safer and our state is a better place to live. For these reasons and many others, Madam Speaker pro Tempore, I rise in support of the resolution and I encourage our colleagues to support it as well.

Resolution adopted.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 27 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 3.

Assemblywoman Gerhardt moved the adoption of the resolution.

Remarks by Assemblywoman Gerhardt.

Resolution adopted.

SECOND READING AND AMENDMENT

Senate Bill No. 23.

Bill read second time and ordered to third reading.

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Bill No. 47.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 111.

Bill read second time and ordered to third reading.

Senate Bill No. 116.

Bill read second time and ordered to third reading.

Senate Bill No. 121.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time and ordered to third reading.

Senate Bill No. 197.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 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. 29.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

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

Senate Concurrent Resolution No. 29—Acknowledging the planning group established by the Health Division of the Department of Human Resources and the Department of Education for its collaborative commitment to design a statewide policy to prevent obesity in Nevada.

WHEREAS, According to the Centers for Disease Control and Prevention and the Nevada State Health Division, nearly 40 percent of adults in Nevada are overweight and nearly 22 percent of Nevada's adults are obese, and since 1992, obesity in Nevada has increased 73 percent; and

WHEREAS, According to the United States Surgeon General, childhood obesity is responsible for 50 percent of new cases of pediatric diabetes, sleep apnea and asthma, and overweight adolescents have a 70 percent chance of becoming overweight or obese adults; and

WHEREAS, Health risks associated with obesity include cardiovascular disease, hypertension, diabetes, stroke, arthritis, gallbladder disease, and certain cancers; and

WHEREAS, Obesity has an enormous impact on health care costs and businesses in this country; and

WHEREAS, In recognition of the direct and indirect costs to the state of Nevada from overweight, obese, and unhealthy residents of the state, Senate Concurrent Resolution No. 13 of

the 2003 Legislative Session directed the Legislative Committee on Health Care to appoint a subcommittee to study the medical and societal costs and impacts of obesity in Nevada; and

WHEREAS, In response to this legislative study, the Health Division of the Department of Human Resources and the Department of Education established a planning group to network with groups and organizations interested in preventing obesity, with the goal of coordinating their efforts and receiving input about ways to prevent obesity in Nevada; and

WHEREAS, The Health Division leveraged existing federal funding for chronic disease prevention to subgrant to the Nevada Public Health Foundation for the facilitation of meetings throughout the state; and

WHEREAS, The meetings held in Carson City, Las Vegas, Reno, and Winnemucca yielded valuable information that will be consolidated and published by the Health Division as the State Obesity Plan; and

WHEREAS, Participants at these meetings included representatives from the Bureau of Community Health and the Bureau of Family Health Services of the Health Division, the Welfare Division of the Department of Human Resources, the Nevada Public Health Foundation, the Great Basin Primary Care Association, the University of Nevada School of Medicine and Schools of Public Health and the nutrition programs of the University, the Cooperative Extension of the University of Nevada, the Golden Health Medical Center in Elko, the Reno-Sparks Indian Colony Health and Human Services Clinic, Washoe County Senior Services, the Washoe County District Health Department, the YMCA of the Sierra, the High Sierra Area Health Education Center, the Southern Nevada Area Health Education Center, the Food Bank of Northern Nevada, the American Heart Association of Nevada, Special Recreation Services, Inc., The Children's Cabinet, Inc., Project MANA (Making Adequate Nutrition Accessible), the school districts of Clark County, Nye County, Pershing County and Washoe County, the Nevada PTA, the Teachers Health Trust, the Dairy Council of Utah/Nevada, the Clark County Health District, Sierra Health Services, Inc., Sunrise Hospital and Medical Center, the Moapa Paiute Band, the Carson City Recreation Department, Carson-Tahoe Hospital, the Ron Wood Family Resource Center, Nevada Hispanic Services of Carson City, Health Smart of Carson City, Friends in Service Helping of Carson City and the Carson City Public Health Department; and

WHEREAS, The priority goals identified at these meetings include preventing obesity among children, creating and improving community environments to make physical activities available and more conducive for use by youth and adults, promoting workplace wellness, sharing information and resources relating to the prevention of obesity and studying the relationship between poverty and obesity; 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 of the Health Division of the Department of Human Resources and the Department of Education in the establishment of the planning group and recognize the efforts of the Nevada Public Health Foundation in facilitating meetings to gather information and hear the concerns of organizations and groups dedicated to the prevention of obesity; and be it further

RESOLVED, That the Legislature further applauds the work of organizations in our state determined to prevent chronic disease and supports the Health Division as it prepares the State Obesity Plan, which will serve as an essential reference for steps that are necessary to prevent the chronic disease of obesity in Nevada; and be it further

RESOLVED, That the people of the state of Nevada praise the public and private partnerships formed in the ongoing pursuit of protecting the health of the residents of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Health Division of the Department of Human Resources, the Department of Education, and the Nevada Public Health Foundation.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblyman Atkinson.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 40:

YEAS—42.

NAYS—None.

Assembly Bill No. 40 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 458; Assembly Joint Resolution No. 3; Senate Bills Nos. 92 and 97 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 58, 76, 182, and 206; Senate Bills Nos. 12, 108, 137, 271, 456, and 504; Senate Concurrent Resolutions Nos. 15 and 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Jean Schmidt.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Warren Wish.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Whitley and Keith Rheault.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Mason Simons.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Flahive.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Bobbi West, Lucero Aguirre, Guillermo Caballero DeLa Riva, Austin Correa, Dora Cueva Navarrete, Hannah Dickson, Erick Estrada, Tyler Giles, Diana Guerrero, Alexander Hernandez, Marvin Hernandez, Henry Jaime, Christopher Kirby, Carlos Lopez, Miguel Martinez, Alejandro Melendez, Marie Navarro, Maria Negrete, Jose Perez, Jeymi Reyes, Marco Rodriguez, Claudia Rosales Blanco, Michael Smith, Tyana Valdes, Aliyah Wrights, Nikki Beck, Alonzo Cisneros Gonzalez, Delsy Cueva Navarrete, Christopher Daniels,

Jenna Earle, Christopher Galloway, Alain Gomez, Alejandra Hernandez, Edgar Hernandez, Kourtney Hunt, Sunia Kelepi, Prickida Ladore, Shadow Lutu, Zachery McCoy, Fernando Montes Romero, Aldo Negrete, Angel Adrian Ortiz, Shela Pickrell, Saul Rios, Katherine Rogers, Diana Silva Molina, Mareza Uribe, Logan Volkening, and Carolyn Sullivan.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Blosser.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 5, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly