

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 5, 2005

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

Almighty God, You created us in Your own image. Bless these good citizens who the people have entrusted with making our laws. Grant us the grace fearlessly to contend against greed and self-interest, and to make no peace with oppression. And that we may reverently use our freedom, help us to employ it in the maintenance of justice to the glory of Your holy purpose.

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 Commerce and Labor, to which were referred Senate Bills Nos. 174, 250, 257, 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 164, 209, 266, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 27, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

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 passed Assembly Bills Nos. 167, 187; Senate Bill No. 315.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 27.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 237, Amendment No. 668; Assembly Bill No. 465, Amendments Nos. 672, 676; Assembly Bill No. 474, Amendment No. 669, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Munford, Kirkpatrick, Koivisto, Anderson, Angle, Arberry, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Ohrenschall, Parks, Parnell, Sherer, Smith, and Weber:

Assembly Concurrent Resolution No. 28—Urging the Commission on Economic Development to develop programs for economic development and stimulate employment within certain areas.

Assemblyman Ocegueda moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Remarks by Assemblyman Munford and Ocegueda.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 315.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 684.

Amend section 1, page 2, by deleting lines 4 through 7 and inserting:

“5. *Any other procedure approved by the Health Division for the surgical treatment of refractive errors of the eye.*”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

Senate Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 682.

Amend the bill as a whole by adding the following Assemblyman as a primary joint sponsor:

Assemblyman Munford.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 458:

YEAS—42.

NAYS—None.

Assembly Bill No. 458 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Joint Resolution No. 3:

YEAS—40.

NAYS—Angle, Munford—2.

Assembly Joint Resolution No. 3 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 23:

YEAS—42.

NAYS—None.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 47.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 47:

YEAS—42.

NAYS—None.

Senate Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 59.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 59:

YEAS—41.

NAYS—Smith.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 66:

YEAS—42.

NAYS—None.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Roll call on Senate Bill No. 92:

YEAS—42.

NAYS—None.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 97.

Bill read third time.

Remarks by Assemblymen Gansert, Anderson, and Arberry.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 97 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 111.

Bill read third time.

Roll call on Senate Bill No. 111:

YEAS—42.

NAYS—None.

Senate Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 116.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Senate Bill No. 116:

YEAS—42.

NAYS—None.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 121:

YEAS—42.

NAYS—None.

Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 192:

YEAS—42.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 197:

YEAS—42.

NAYS—None.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Joint Resolution No. 1:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 91.

The following Senate amendment was read:

Amendment No. 661.

Amend section 1, page 2, line 4, by deleting “fees:” and inserting “~~{fees:}~~ *compensation*.”

Amend section 1, page 3, line 12, by deleting “~~{3.55}~~ \$3.75” and inserting “\$3.55”.

Amend section 1, page 3, line 13, by deleting “~~{55 cents}~~ \$1” and inserting “55 cents”.

Amend section 1, page 3, line 36, by deleting “fees” and inserting “~~{fees}~~ *compensation*”.

Amend section 1, page 4, line 3, by deleting “fees” and inserting “~~{fees}~~ *compensation*”.

Amend section 1, page 4, line 5, by deleting “fee” and inserting “~~{fee}~~ *compensation*”.

Amend section 1, page 4, lines 11 and 18, by deleting “fees” and inserting “~~{fees}~~ *compensation*”.

Amend section 1, page 4, line 21, by deleting “fee” and inserting “~~{fee}~~ *compensation*”.

Amend section 1, page 4, line 26, by deleting “fees” and inserting “~~{fees}~~ *compensation*”.

Amend section 1, page 5, line 3, by deleting “fees” and inserting “~~{fees}~~ *compensation*”.

Amend section 1, page 5, line 6, by deleting: “A fee of ~~{5.33}~~” and inserting: “~~{A fee of 5.33}~~ *Compensation of*”.

Amend section 1, page 5, lines 11, 12, 13, 14 and 16, by deleting “fees” and inserting “~~{fees}~~ *compensation*”.

Amend section 1, page 5, line 17, by deleting “are” and inserting “~~{are}~~ *is*”.

Amend section 1, page 5, lines 19 and 33, by deleting “fees” and inserting “~~{fees}~~ compensation”.

Amend section 1, page 5, line 36, by deleting “whole fee.” and inserting: “~~{whole fee.}~~ entire compensation.”.

Amend section 1, page 5, line 37, by deleting “fees” and inserting “~~{fees}~~ compensation”.

Amend section 1, page 5, line 40, by deleting “fees have” and inserting: “~~{fees have}~~ compensation has”.

Amend section 1, page 5, line 43, by deleting “fees” and inserting “~~{fees}~~ compensation”.

Amend the bill as a whole by adding new sections designated sections 1.3 and 1.7, following section 1, to read as follows:

“Sec. 1.3. NRS 4.410 is hereby amended to read as follows:

4.410 1. If the person designated to transcribe the proceedings is:

(a) Regularly employed as a public employee, he is not entitled to additional compensation for preparing the transcript.

(b) Not regularly employed as a public employee and not a certified court reporter, he is entitled to such compensation for preparing the transcript as the board of county commissioners determines.

(c) A certified court reporter, he is entitled to the same ~~{fees}~~ compensation as set forth in NRS 3.370.

2. The ~~{fees}~~ compensation for transcripts and copies must be paid by the party ordering them. In a civil case the preparation of the transcript need not commence until the ~~{fees have}~~ compensation has been deposited with the deputy clerk of the court.

Sec. 1.7. NRS 18.005 is hereby amended to read as follows:

18.005 For the purposes of NRS 18.010 to 18.150, inclusive, the term “costs” means:

1. Clerks’ fees.

2. Reporters’ fees for depositions, including a reporter’s fee for one copy of each deposition.

3. Jurors’ fees and expenses, together with reasonable compensation of an officer appointed to act in accordance with NRS 16.120.

4. Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the court finds that the witness was called at the instance of the prevailing party without reason or necessity.

5. Reasonable fees of not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert’s testimony were of such necessity as to require the larger fee.

6. Reasonable fees of necessary interpreters.

7. The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.

8. ~~{The fees of}~~ *Compensation* for the official reporter or reporter pro tempore.

9. Reasonable costs for any bond or undertaking required as part of the action.

10. Fees of a court bailiff who was required to work overtime.

11. Reasonable costs for telecopies.

12. Reasonable costs for photocopies.

13. Reasonable costs for long distance telephone calls.

14. Reasonable costs for postage.

15. Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.

16. Fees charged pursuant to NRS 19.0335.

17. Any other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research.”.

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

“Sec. 13.5. NRS 656.290 is hereby amended to read as follows:

656.290 1. The Board may subpoena and bring before it any person in this State and take testimony orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in courts of this State.

2. Any district court, upon the application of the accused or complainant or of the Board may, by order, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license or certificate, and the court may compel obedience to its order by proceedings for contempt.

3. The Board shall provide a court reporter to transcribe the testimony and preserve a record of all proceedings at the hearing of any case wherein a license or certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and its orders constitute the record of the proceedings. The Board shall furnish a transcript of the record to any person interested in the hearing upon payment therefor of the statutory ~~{fees}~~ *compensation* for transcription as provided in NRS 3.370.

4. At any time after the suspension or revocation of any license or certificate, the Board may restore it to the accused without examination upon unanimous vote by the Board.”.

Amend sec. 17, page 13, by deleting line 12 and inserting:

“3. Sections 1, 1.3, 1.7, 4, 5, 11, 12, 13.5, 14 and 16 of this act become”.

Amend the title of the bill, first line, by deleting “fees” and inserting “compensation”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 91.

Remarks by Assemblyman Anderson.

Motion carried by a two-thirds majority.

Bill ordered to enrollment.

Assembly Bill No. 276.

The following Senate amendment was read:

Amendment No. 581.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. This act becomes effective upon passage and approval.”

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 276.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered to enrollment.

Assembly Bill No. 474.

The following Senate amendment was read:

Amendment No. 669.

Amend sec. 2, page 3, by deleting line 19 and inserting: “*sports official based on the performance of his duties at a*”.

Amend sec. 2, page 3, lines 31 and 32, by deleting: “*immediately prior to, during or immediately after*” and inserting: “*based on the performance of his duties at*”.

Amend sec. 3, page 5, lines 3 and 4, by deleting: “*immediately prior to, during or immediately after*” and inserting: “*based on the performance of his duties at*”.

Amend sec. 3, page 5, lines 17 and 18, by deleting: “*immediately prior to, during or after*” and inserting: “*based on the performance of his duties at*”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 474.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered to enrollment.

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

Assembly in recess at 12:09 p.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 30, 31.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Perkins, 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, Ocegueda, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 30—Memorializing former First Lady Carolyn O’Callaghan.

WHEREAS, Fulfilling the demands and expectations placed on the First Lady of Nevada is a uniquely challenging responsibility; and

WHEREAS, Carolyn Randall O’Callaghan quietly and graciously took charge of the role with the greatest dignity, serving Nevadans in such a way as to evoke the admiration of everyone who knew her, as well as those who will imitate her as a model and guidepost in the future; and

WHEREAS, Carolyn Randall, the daughter of Claude and Marjorie Randall, was born on December 15, 1935, in Twin Falls, Idaho, where she spent many happy childhood hours playing in the greenhouses behind her family’s flower shop, and is remembered as a nature lover and a tomboy who enjoyed riding stick horses in the fields; and

WHEREAS, In spite of her tomboyish propensities, this young lady early revealed her maternal instincts, as her sister Harriet recalls that Carolyn “on her own as a teenager took on the responsibility of looking after me” and “took me everywhere with her”; and

WHEREAS, Carolyn attended the University of Idaho in Moscow, where she met Mike O’Callaghan, and the two were married on August 25, 1954, and remained devoted to each other during the almost 50 years they were together; and

WHEREAS, In 1971, when Mike became Governor and Carolyn assumed her position as First Lady of Nevada, she set a standard for hospitality that is unequalled by maintaining the proper sophistication while truly making the Governor’s Mansion the house of the people of Nevada, as seen in her custom of rising early each morning to serve coffee at the kitchen table and discuss the issues of the day with the mailman, milkman, and whoever else might be passing by and in her joy of “spooking-up” the Mansion at Halloween and making hundreds of bags of popcorn to hand to trick-or-treaters; and

WHEREAS, One favorite story about this very special First Lady involves the time when the Governor received word that picketers from Las Vegas had gathered at the Governor’s Mansion to protest his support of the motorcycle helmet law, but on arriving to evaluate the situation, he discovered only dozens of picket signs on the porch and lawn because Carolyn, explaining that those people had come all the way from Las Vegas and it was cold outside, had everyone in the kitchen being served coffee, hot chocolate and lunch; and

WHEREAS, In her private life, Carolyn was known for athletic ability that enabled her to win numerous bowling tournaments and pro-am golf championships, and as a person who could do anything she set her mind to, she even included the driving of school buses and moving vans as well as the building of an addition to the family home in her repertoire of skills; and

WHEREAS, In addition to athleticism, keen driving abilities and carpentry, Carolyn excelled as a guitar player, gourmet cook, crack shot, and masterful angler who, in fact, just 3 weeks before her death, had taken several of her grandchildren on a fishing expedition to Lake Mead; and

WHEREAS, As a wife, Carolyn's love and support for her husband knew no limits, and even though she disagreed with him on many issues, she knew they thought alike regarding all the most important subjects including their children, their family, and their home; and

WHEREAS, Her children remember Carolyn as a "class lady" and a mom who created a tight-knit family in a home filled with love, living intensely her belief that family came before politics; and

WHEREAS, Underneath all the external qualities making her such a remarkable woman, lay the vivaciousness and inner beauty that created the magnetic charisma of this First Lady whom friends remember as a generous benefactor completely consumed with doing good for others and as a mentor who taught them how to be better people; and

WHEREAS, Carolyn Randall O'Callaghan slipped away on August 7, 2004, only a few months after losing the love of her life, and those who knew her well find comfort in believing that she and Mike are together in a better place and that they did indeed celebrate that 50th wedding anniversary together; 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 express their respect and admiration for Carolyn Randall O'Callaghan as a loving, compassionate, dedicated wife and mother who served the people of Nevada as their First Lady with the honor and dignity befitting that position, and they offer their sincerest condolences to Carolyn's beloved family and to the friends whose love and respect she earned through the quality of the life she lived; and be it further

RESOLVED, That Carolyn O'Callaghan will always be remembered fondly in the annals of great personages of the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Carolyn's treasures on Earth, her children Michael, Brian, Tim, Colleen, and Teresa.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted unanimously.

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Perkins, 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, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 31—Memorializing former Governor Mike O'Callaghan.

WHEREAS, Tracing the journey of a son born in Lacrosse, Wisconsin, into a poor family that lost its farm during the Great Depression, to become the man who is one of the most prominent, beloved figures in the history of the state of Nevada encompasses a story of extreme courage and remarkable character; and

WHEREAS, The leading actor in that story, Donal Neil "Mike" O'Callaghan, affectionately known as "Big Mike," approached each role throughout his life in such a way that endeared him to all he knew, and his imprint will forever be stamped upon this state; and

WHEREAS, Former Governor Mike O'Callaghan grew up on his family's farm and helped earn a living by raising cows and selling cream until, at the age of 16, he joined the Marine

Corps and served in the U.S. Pacific Fleet as an anti-aircraft gunner, earning the rank of sergeant, and after his discharge in 1948, served in the Marine Corps Reserves until 1950; and

WHEREAS, As a young man, the former Governor was employed as an ironworker and participated in amateur boxing until he continued his military service by joining the Air Force as an intelligence officer, but because he wanted to see action, he transferred to the Army as an infantryman in 1952 and served in the Korean War, during which he lost the lower half of one leg after courageously rescuing soldiers who were cut off from the trenches by enemy action; and

WHEREAS, Following his military service, Mike graduated from the University of Idaho in Moscow, where he not only earned a master's degree and graduated in the top 10 of his class, but also won the heart of Carolyn Randall, and the two were married on August 25, 1954, and dedicated themselves to each other and their children during their marriage of almost 50 years; and

WHEREAS, Heeding his new wife's advice, Mike chose to accept a job as a teacher at Basic High School in Henderson, rather than a position as a principal in Idaho, and the family moved to Nevada in 1956; and

WHEREAS, Upon completion of 5 years of teaching, Mike continued his public service in municipal, state, and federal positions from 1961 to 1969; and

WHEREAS, O'Callaghan was elected Governor of the State of Nevada in 1970 after waging a campaign in which he sought to get in touch literally with the "average man on the street" by greeting motorists on the corners of busy intersections in Las Vegas during blistering heat; and

WHEREAS, As Governor of this State for two terms, O'Callaghan continually fought for the "little man" and accomplished his goal of creating a government that was responsive to the needs of its people by promoting the welfare of disadvantaged children and the mentally ill, creating new agencies to assist senior citizens, consumers and the poor, actively working to preserve the beauty of Lake Tahoe, ensuring affordable housing for all, providing assistance to workers injured on the job and advocating for prison reform, rights for women and laws requiring motorcycle helmets; and

WHEREAS, There is little doubt that he could have won a third term as Governor, but instead he accepted an executive position with the *Las Vegas Sun*, where he became a popular columnist and an important voice in Nevada, and as Executive Editor, he acted as the conscience of the newspaper; and

WHEREAS, For his extraordinary courage, he was awarded multiple military medals, and a few of the other honors he attained include membership in the Hall of Fame at the University of Idaho, an award from the Nevada Judges Association, the selection by *Time* Magazine in 1974 as one of 200 promising young Americans, induction into the Nevada Newspaper Hall of Fame, the David L. Simon Bridge Builder for Peace Award and the honor of being nominated shortly before his death to serve on the federal Veterans' Disability Benefits Commission; and

WHEREAS, Outside of the public eye, Mike O'Callaghan conducted himself with honor and compassion, never bringing attention to his quiet acts such as arriving early in the morning at homeless shelters to serve coffee and doughnuts to the poorest of the poor and frequently visiting hospitals to encourage recent amputees; and

WHEREAS, His devotion to the youth of this state inspired the lives of innumerable young people as he actively and ardently supported children in sports throughout his life, took time as Governor to change lives of juvenile offenders by being instrumental in the building of China Spring Youth Camp in Douglas County and Spring Mountain Youth Camp in Las Vegas, and performed random acts of generosity such as graciously hosting, impromptu, in the Governor's Office, a basketball team of underprivileged boys from Hawthorne when they came to play in Carson City; and

WHEREAS, Possibly the most predominant thread intertwining the eulogies offered for former Governor Mike O'Callaghan was the mention that he never succumbed to developing an ego that could so easily have accompanied the prominence he attained, but continually dedicated himself to the service of others in every aspect of his daily life; and

WHEREAS, By the end of his journey, Mike O'Callaghan had become the epitome of the words of the novelist James Michener, who penned fictional sagas that can only rival the real-life story of this great man, a life "decently led and work well done"; 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 express their admiration, respect, and veneration for Donal Neil "Mike" O'Callaghan and empathize with the members of his family and all those who feel an emptiness as the result of his loss; and be it further

RESOLVED, That former Governor Mike O'Callaghan will never be forgotten by the people of the state of Nevada, and when he is remembered, the memories will be of a man who proved himself to be an icon to which all can aspire; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Mike's beloved children, Michael O'Callaghan, Colleen O'Callaghan-Miele, Teresa Duke, Brian O'Callaghan, and Tim O'Callaghan.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Horne, Buckley, Carpenter, Anderson, Manendo, Hardy, Ohrenschall, and Giunchigliani.

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

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. Growing up in Henderson, Governor Mike was a figure larger than life for me. First, starting out there before I attended Basic High School, as a teacher there and then as Governor, and in so many other activities that he performed. He was a mentor to all—to me and everyone in Nevada who was willing to have those conversations with him. He always helped young people, loved youth and education, whether it was scholarship programs or just visiting schools and cheering the students on, giving them the desire to do well.

The Governor was a fighter for those who could not fight for themselves. I am sure that is one thing that we all remember about him, among others. His door was always open. It was common to find somebody just right off the street who would come visit the Governor, and as much as somebody off the street, any dignitary might be visiting.

Even though we are here to celebrate the lives of two extraordinary people, it is difficult to celebrate these wonderful folks without having a sense of sadness. I can remember in 1995 a phone rang in my apartment, just a little east of here, at 5:00 a.m. I was thinking, who the heck was calling me at 5:00 a.m.? It was Mike and the phone call went something like this, "Perkins." "Yes, Governor." "You awake?" "Uh, yeah, sure." Understand, he had already been to the gym and had something burning on his mind. How he got my phone number I couldn't tell you. I think my wife was the only other person in the world who had it, but he had his ways. He never hesitated to reach out and to explain something when he saw what he thought was something going wrong in our state.

He was known as Governor Mike because he connected with the common people in our state. That was the way he reached out. That is what he was always known for. He had a number of other names, some of which we cannot share with you on the floor, but all of them were used in a context that was, honestly, very flattering.

The Children's Home, both north and south, was a big battle for him. This Legislature changed that, I think, in the 1995 or 1997 era. He felt very strongly about that and had many disagreements with folks. It was not that the disagreements were there just because he felt differently about it; he just really felt strongly about those kids and wanted them taken care of. It was very important to him.

I remember growing up as a young boy in Henderson, the Boys' Club (it was only a Boys' Club back then), he pretty much started the Boys' Club through the boxing programs that he had. Getting youth involved in sports was a huge passion. I can remember seeing him there when I was just a very small child.

As the Resolution mentioned, he always looked out for the less fortunate. That was his way of really making sure that Nevada was truly a great state, dealing with those less fortunate in Nevada.

He was elected to do two terms. The *Nevada Constitution* was changed at the same time he was first elected. He could have actually run for as many terms as he wanted, but he chose not

to. He did his two terms and said, “It was my time. That is enough.” Most certainly he would have been reelected had he sought an additional term or more.

He never hesitated to call and chew on you if he thought you were doing wrong. And you know what, he wasn’t looking for you to just roll over and accept what he had to say. In fact, he would probably be very disappointed if that was the way you operated. If you had a difference of opinion and expressed it, he really respected that and always wanted to have that debate. He wanted to make sure the right thing was happening and he wanted to be well-informed.

I remember him telling me a story once about when he used to smoke. There was a hole in his prosthesis and he had tapped the ashes in the hole. Apparently there was some lint in that hole and after tapping a few ashes, a small conflagration occurred in the prosthesis and he had to take it off and put out the fire. The funny thing about that is the fact that he was missing a part of a leg and it was never an impediment for Big Mike. I think it was one of the things that shocked me so much about his passing. He was such a robust person and unless you knew about him, you did not know that he had any sort of handicap whatsoever. In fact, he would never consider it that.

I was talking to Mike O’Callaghan, here at my desk, and he was explaining to me that apparently the loss of the family farm was because the military needed to expand and the base expanded into the area where the farm was located. In this day and age, certainly someone would be very put out by that, but the grandfather apparently thought that was just their duty to this country, allowing it to happen, felt patriotic, and moved on from that area. That is how the farm was apparently left behind.

I practically grew up with a number of the O’Callaghan clan, whether it was Mike at the D.A.’s office and a few of the cases that we dealt with together, or Tim in Henderson at the newspaper, or Colleen on a hundred different Henderson projects, and I learned a lot about both Carolyn and Mike through them. I can tell you, they were so loved by their parents, all the family was. I did not know the rest of them as well, but they were loved by their parents. I had countless conversations with Mike, not as many with Carolyn, but there was not a single conversation about a single topic that the conversation did not turn to the kids and how proud they were of those other children and what they were doing in life. Mike talked to me a lot about Brian and his police service, what Mike was doing at the D.A.’s office, the newspaper was always coming up, and the challenges of a home-town newspaper.

He was always volunteering to do various things, always tapped by the administrations out of Washington, D.C., to do a lot of things having to do with veterans or national and worldwide events, frankly. I know he volunteered to go to Southeast Asia and be a part of that delegation to talk about POWs and MIAs. He dealt with veterans’ issues. Another thing that Mike mentioned to me just this afternoon was Big Mike was there to document the free elections that the Kurds held in 1992. But for that action, as part of a region in Iraq, we probably would have lost many more soldiers in this current conflict. It created a sense of belonging, if you will, by the Kurds in that region, and they were much less antagonistic toward our troops in this current conflict.

There are a number of monuments to Big Mike. There is the bridge over the Colorado River that will be coming soon, and I think that speaks a lot to the way he bridged a lot of gaps, whether for the less fortunate, worldwide events, or for so many things.

One other story I would like to share with you was I remember going to see him at the old office in the old *Las Vegas Sun*. His desk had a pile of paper on it about this high. Every corner of his desk was covered with that much paper. You would walk in and wonder, how could someone so strong in what he believes in, so organized in what he does, so passionate about all the things he believes in, have this kind of a mess on his desk? However, it was not a mess, it was a filing system. You would get into a conversation and he would bring something up asking if you had read about such-and-such, and you would answer, “No, Governor,” and he would reach his hand into the middle of that pile and pull out the copy of the newspaper article or something he had read. He knew where everything was on that desk. It was truly amazing.

I spent some time with Mrs. O’Callaghan just after the Governor’s passing. I was able to visit their home and have great conversations with her. It is my opinion that she died of a broken heart. They had such a bond. They had such a long relationship. It was more than just being able to complete each other’s sentences. They were as one in their relationship. To see the passion that she held continually and that they had for each other was something I think we can and

should all learn from. There is no way that Governor Mike could have been the extraordinary person he was without Mrs. O'Callaghan. She was truly the yin to his yang. She was the support system that he always needed, but she was not just a support system. As First Lady she was very active in many of the things that he did and was always there for him and made him a much better person.

I would be remiss if I didn't talk about the Governor's passion for religion. It is widely known that he suffered his heart attack while he was at church. He went to church every day. He was a devout Catholic, but he was also one of those people who was very interested in protecting your freedom of your choice of religion, as well. He spent a lot of time in Israel. In fact, when I met with Brian Greenspun, I asked him to give me the "*Readers' Digest* version" of why we don't seem to have any possible way of resolving the conflicts between Israel and Palestine, and he said, "If you want that discussion, go see Mike." He was very interested in my religion; your religion, it did not matter. He wanted you to feel comfortable.

I would also be remiss if I did not mention all the time he spent in Latin America. He took a lot of trips down there and he would organize a lot of activities. He would bring doctors and supplies to Latin America for those who were literally dying in the jungles, building shelters to put them in a place to be self-sufficient. He had passions for people all over this world and it was something he pursued forever.

As I finish, Madam Speaker pro Tempore, may I suggest that Nevada lost its two finest public servants it has ever known, and they are people I am proud to call my friends. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker pro Tempore. I rise in support of Senate Concurrent Resolution 31. I had one meeting with the Governor. It was before I was elected. I think the meeting lasted maybe two or three minutes. After I took the bar exam and failed, the phone rang at home and it was him. He said, "Sorry you didn't pass the bar. Keep your head up. You'll tackle it." Out of the blue like that. Something like that you will never forget. I thought, "Wow." I had met him months ago that one time, for about two minutes. That was the kind of man he was. He reached out and patted me on the back and said, "Go on, you'll be all right." That was it, and I will always remember.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. I rise in support of SCR 30 and SCR 31. Governor Mike encouraged me to run for office for the first time. I will never forget, after I won and I was in, the phone calls started. I think the first one was right when we were doing the Patient Bill of Rights, and it was much like the Speaker described: "Buckley. Don't let these HMOs win. Keep going. You are right. You'll win. Keep your head up." After the bill passed and he had reported on it he called me up and said, "We have a problem. I got a call from this woman this morning and she has cancer and she was denied surgery. It doesn't make any sense. Will you fix it?" I said, "Absolutely, Governor." He said, "Will you call me today? Will it be done today?" I said, "You know it." Every time Governor Mike called it was my first priority, whether it was calling an HMO executive on my lunch hour or helping someone with a legal problem, because every person he met, every person he touched, he cared about. Whether it was calling a colleague to pat him on the back when they were down, or helping the waitress he met at a restaurant, it did not matter who had a problem, Governor Mike was there to solve it. In all my years of politics if, there is any politician I would like to be and have tried to emulate, it is Governor Mike.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I rise in support of SCRs 30 and 31. I first met Mike O'Callaghan when I was a county commissioner from Elko. I'm sure Mike, being the farm boy that he was, understood the needs of rural Nevada. He was a guy that you just couldn't help but like. He was a compassionate man, but he did not want to waste money either, you know. You helped your fellow man, but you did it in a way that made you proud and made him proud. He was a hands-on Governor and he did not take anything and he would not stand any nonsense from federal agencies.

The thing I remember most is that my children really loved Mike O'Callaghan. My boys were state presidents of the Future Farmers of America and my daughters were presidents of the

Future Business Leaders of America. So they got to meet Mike O'Callaghan. In our home we have a series of pictures that depict the lives of our children and my wife and I, and all our friends. There are two or three pictures there of Mike O'Callaghan, when he was Governor, when he invited my boys and my daughters into his office. Every once in a while we get together and look at those pictures and my kids will say, "There's Governor Mike. He invited us in and he treated us just like family." They were so proud to think he had invited them and would talk to them. He was such a great guy.

I think the last time I saw him, and I hadn't seen him for a long time, my wife and I were in Las Vegas going to one of the shows. Mike O'Callaghan was over there in the line and he still remembered me. He got out of the line and we talked. It was great to renew the friendships we had so many years ago. I just want to say something else, as well. In this Resolution, about Mrs. O'Callaghan, it talks about people who are married for a long time and it says something, basically, like we can disagree and we probably do disagree with each other, but when it comes to family, and homes, and the things that are most important, we do not disagree. So, thank you very much, Madam Speaker pro Tempore.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I had really kind of thought to keep quiet. It is against my nature, I guess the Irishman in me just won't let it happen. Many of you are probably aware that I once worked extensively with teachers' organizations and teachers' rights issues. I was once involved in a teacher dismissal case that was of interest to the Governor. The nature of what I had been doing for some time had often required telephone calls to my home. My wife had become somewhat upset about the interruption of dinner and had spoken to me about the fact that dinnertime was important to the kids. My two daughters were very young at the time. She had explained to me that there would be no more telephone calls interrupting dinner, that it just wouldn't happen. I, like any good, bright young man, understood what that meant and readily agreed. The telephone rang a few minutes after dinner began and my wife answered it. She said, "Yes, he'll call you back right after dinner." The person said, "Fine." She took the message and her face turned absolutely dead-white. I thought, "Oh my goodness, there must be something terribly wrong." She hung up the telephone, after having taken the telephone number and message. Clyda, my wife, looked at me and said, "That was the Governor and he wants you to call him right away. You'll call him right away, but you have to finish your dinner first. So, hurry up and eat." I can't believe the size of the portion on my plate went to where it was to half that real quickly. I called the Governor back in a few minutes. He went, "Bernie, it's Governor Mike, and did you finish dinner?" I said, "Yes." And he said, "Are you still in trouble with your wife?"

I guess he recognized, as all of us that are bright enough to recognize do, that you don't want your wife upset with you for too long. Carolyn, clearly, had spoken to Mike about not only his early morning call but those that might be interrupting dinner. Mike O'Callaghan was the kind of caring individual that we wish all of us could be. We all loved him dearly. And those kinds of memories are a lasting memory in my family. It is the kind of question that I think, as my attaché from the university has reminded me of, that highlights the telling line that makes Mike O'Callaghan an "is" and not a "was." He will always be a living person within the hearts of us who knew him. His legacy will be one that we all care about.

ASSEMBLYMAN MANENDO:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the two Resolutions. Talking about a popular columnist, everyone read Big Mike's column. My father was a hundred percent disabled veteran. My dad couldn't do a whole lot. I never knew my father to be healthy. But my father loved to read Governor Callaghan's articles. He loved them. When I first ran for office and I put in a bill for a veterans' home, Nevada's first veterans' home, the Governor called me up and said, "Why are you doing this? Where do you want to put it, in your district?" And I said, "No. There are several locations, but probably in Boulder City." He already knew the answer. He said, "Okay." The bill actually failed. The next session, however, I brought it forward again and we started having a conversation again. He called and said, "I'm going to help you. I'm going to write a column about it." I said, "I really appreciate that." So we got into a conversation about my father and how he served in the Korean War and how he was disabled. I

shared those conversations with my father and it was really touching to me, as the average guy on the street running for office, having such a historic, popular, and beloved individual calling me up and wanting me to come in and see him and talk to him about the issues that were most important to him and the people of the state of Nevada. I was just absolutely awestruck. I just want the family to know that my family and I loved your father, very much. We are sorry for the passing of your mother and father. Thank you.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker pro Tempore. In 1971, I was 21 years old. I was in charge of publicity for a development organization that helped start the Meals on Wheels program, and a program called IUDA for the people in Guatemala. And in that publicity capacity I interacted with Governor O'Callaghan and organized a walk and pledged how much money we would do if we walked. He not only came, but he literally went the extra mile and walked a mile, albeit on his peg leg, with us. It was a great experience to watch how he not only cared, but he walked. He walked, literally, the walk. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the two Resolutions. Of course we all remember Governor O'Callaghan, First Lady O'Callaghan, and so on, but the recollections that are the strongest and dear are when they retired. They lived not too far from us in southern Nevada, and they were great neighbors. You'd run into Carolyn in the grocery store, doing her own shopping. Mike and Carolyn would give out candy on Halloween. My children, when they were young, loved to go trick-or-treating on Halloween. It was known that the O'Callaghan house gave out very good candy and really looked at the costumes and so on. And Governor Mike, driving by our house every morning on his way to work at the newspaper, would give a friendly wave as he came by. It was just nice to know that you had neighbors like that who cared about the community, were there and interacted with the neighborhood. It was wonderful. It was a real inspiration to everybody in the neighborhood, certainly to my children as they were growing up. Thank you.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I had the privilege of trying to represent your mom and dad as the Assemblyperson from their area. I have quite a few stories. My first term as president of the teachers association, I thought I should go meet the right people and your dad was one of the ones I called. He said for me to come on down. I went and we had a very interesting discussion. The Speaker said it correctly: piles were everywhere. We were having a debate already and I was scared to death because I was brand new at all this. After I left the office, he commented to my husband, who I didn't know at the time, "I don't know how she is going to do, but at least she ain't no sissy." I guess that is probably the best compliment I have ever received, especially from Mike. Over the years I relied a great deal on his passion and his knowledge.

Eileen Brookman was your neighbor. After Mike passed away, Carolyn would come by and lie on the bed next to Eileen and they just would sit there and talk back and forth. I think it was comforting for them both at that time. What I always appreciated was, while I was going door to door one day, your dad came out, answering the bell, and said, "I am mad at you." I said, "Okay, do you want to talk about it?" And he said, "Get in the house." He was there with the German Shepherd, I forget the dog's name, and he said, "Bite her." I said, "You must be really mad." The dog came up and started licking me instead, which didn't help matters. We went into the living room and I think, Michael, you came by that day and George Brookman came by to smoke a cigar, and we got into a huge discussion about St. Jude's Children's home. It was six years after we had voted on it and he was still upset with me. We had a great time. You could sit and argue and make your case and as long as you were up front with him that is all he looked for. I think that is what is so key in a public servant. Mike had great expectations for everyone in this Body whether he knew you or not. It was, "Are you going to do the best job that you can? Don't worry about what the polling says, do what is best in your heart, and make it go forward, whether you win or you lose."

All I can say is, between your dad's passion and your mother's compassion, what a wonderful one whole person they made. They gave us a great gift. Thank you, and I also support both Resolutions.

Resolution adopted unanimously.

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

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker Pro Tempore presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 16, 21, 28, 49, 157, 164, 166, 256, 368, and 469; Senate Bills Nos. 294, 301, 413, and 472; Senate Concurrent Resolutions Nos. 27 and 28.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Kibbe.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Janie Newman Jackson, Father Jerry Hanley, Sister Marie, Mary Ann Randall, Brian Randall, Michael O'Callaghan, Brian O'Callaghan, Sherrie O'Callaghan, Tim O'Callaghan, Donna O'Callaghan, Mary Colleen O'Callaghan-Miele, Pearl Miller, Carolyn Jean O'Callaghan, and Brian Jay O'Callaghan.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 6, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:10 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly