

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 9, 2005

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

On the first day of this week, we meet again in this Assembly Chamber. We ask that You hold us steady lest we lose our poise. Blunt our speech lest by cutting words and careless deeds we hurt our colleagues and the cause for which we speak.

Where we differ in approaches to a problem, may we ever be open to consider another and a better way, guided not by whether it's popular, or expedient, or practical, but always whether it be right. Hear our prayer, O Lord, and help us achieve the reason for our coming here at all.

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 was referred Senate Bill No. 3, 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 Government Affairs, to which were referred Senate Bills Nos. 30, 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 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. 21.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 9, 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. 32.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Senate Bill No. 130.

Bill read second time and ordered to third reading.

Senate Bill No. 210.

Bill read second time and ordered to third reading.

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 21.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

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

Assembly Concurrent Resolution No. 29—Designating May 9, 2005, as “Vintage Car Day” at the Nevada Legislature.

WHEREAS, Automobiles and the automobile industry have played a vital role in the growth of the state of Nevada and this great country; and

WHEREAS, Automobile sales in the United States have grown over the years from \$4,100 in 1900 to \$3.7 billion in 1925, \$6.7 billion in 1950, \$9.3 billion in 1965 to over \$140 billion worth of motor vehicles and parts produced in the United States by companies employing over 6.6 million workers nationwide; and

WHEREAS, The automobile industry has become one of the largest purchasers of many key American industrial products, such as steel; and

WHEREAS, Since 1987, the automobile industry has grown by more than 47 percent, helping to drive the economy of the United States to new heights; and

WHEREAS, Automobiles have shaped our everyday lives over the past 100 years more than any other invention by allowing consumers to commute long distances for family visits, tourism, entertainment, shopping and work; and

WHEREAS, Automobiles have encouraged the development of a far-reaching system of highways and roads which made possible the growth of suburbs and shopping centers around major cities; and

WHEREAS, Many people all over the nation, including a large number in Nevada, maintain their classic automobiles as a pastime and do so with a great passion; and

WHEREAS, The members of the Nevada Legislature recognize the effect the automobile has had on this state and our country, and support wholeheartedly all activities involved in the restoration and exhibition of these fine automobiles; and

WHEREAS, Thousands of local clubs have been instrumental in preserving a historic part of this country's heritage by encouraging the restoration and exhibition of these vintage works of art which easily evoke smiles and fond memories; 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 hereby designate May 9, 2005, as "Vintage Car Day" at the Nevada Legislature in recognition of all that automobiles and the automobile industry have done to shape the state of Nevada and this country; and be it further

RESOLVED, That the members of the Nevada Legislature express appreciation to Battle Born Regional Group #12 of the Early Ford V-8 Club of America for organizing a nostalgic display on the legislative grounds in commemoration of this event; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Battle Born Regional Group #12 in recognition of the diligent work of its members in organizing this event and of their dedication to encouraging the restoration and preservation of Ford, Lincoln, and Mercury vehicles manufactured from 1932 to 1953.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Claborn, and Giunchigliani.

Resolution adopted.

Assemblyman Hettrick moved that all rules be suspended and that Assembly Concurrent Resolution No. 29 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Senate Concurrent Resolution No. 32—Commending Dr. Claude Perkins, former Superintendent of Schools in Clark County, for his service to the Clark County School District and encouraging the naming of a school in his honor.

WHEREAS, Dr. Claude Perkins began his distinguished career in education in 1971 after being hired to serve as assistant to the Superintendent of Schools in Clark County by Governor Kenny Guinn, who placed him in charge of desegregation programs; and

WHEREAS, In 1978, Dr. Perkins was hired by the Clark County School Board to replace Kenny Guinn in the District's top post, thus becoming the only African American to serve as Superintendent of Schools in Clark County; and

WHEREAS, During his 3-year tenure as Superintendent of Schools, Dr. Perkins pushed successfully for an increase in requirements for graduation from high school, exceeding those required by the State with an additional year of mathematics, a fourth year of English and a course of study in world history; and

WHEREAS, Dr. Perkins' track record included an increase in the rate of attendance at schools throughout the Clark County School District, the establishment of a stricter dress code on campuses and a reduction in class sizes; and

WHEREAS, Dr. Perkins was also responsible for gains in the performance of students on standardized tests, an increase in the percentage of women hired as administrators and department heads and an expansion of vocational programs; and

WHEREAS, Since the resignation of Dr. Perkins as Superintendent of Schools in Clark County in 1981, a campaign has been under way to have a school within Clark County named after Claude Perkins and this campaign was recently endorsed by Governor Kenny Guinn; and

WHEREAS, In the words of the Governor through his spokesman, "Claude Perkins has had a distinguished career in education and deserves to be honored by the Clark County School District;" now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature hereby commend Dr. Claude Perkins for his dedicated service and many accomplishments as a school administrator for the Clark County School District from 1978 to 1981, and encourage the Clark County School Board to publicly recognize and honor Dr. Perkins by naming a school after him; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dr. Claude Perkins, former Superintendent of Schools in Clark County, and the Chairman and each member of the Clark County School District Board of School Trustees.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblymen Horne and Munford.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 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. 33.

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 Leslie, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, 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. 33—Recognizing Jake Waters as the Children's Miracle Network Champion Child of Nevada.

WHEREAS, Jake Waters is a happy, busy 5-year-old who handles everything in life head-on, including his leukemia; and

WHEREAS, Diagnosed at the age of 4 years with acute lymphoblastic leukemia, Jake's cancer required a long, intense treatment program which included daily medications, monthly intravenous medications and quarterly intrathecal medication and was prolonged at one point because of severe complications from a reaction to the chemotherapy he was receiving; and

WHEREAS, For the courage and strength he exhibited while he battled cancer, Jake Waters was selected by Washoe Medical Center as the Children's Miracle Network Champion Child for Nevada; and

WHEREAS, As part of the Foresters Champions Across America program in conjunction with the Children's Miracle Network, Jake and other remarkable children like him from around

the country who have triumphed despite severe medical challenges were honored for their courage, tenacity, and perseverance with a trip to Washington, D.C., in March of this year to share the message that their lives, and the lives of millions of children just like them, are better because of the tremendous work of children's hospitals; and

WHEREAS, After their work as ambassadors at the Nation's Capital, Jake and the other champions traveled with their families to Walt Disney World in Orlando, Florida, to represent their states by participating in the national television production of the Children's Miracle Network Celebration and to enjoy a little leisure time; and

WHEREAS, Jake Waters has completed the maintenance phase of his therapy and has returned to maintaining his busy schedule, which includes swimming, tubing behind a boat, shooting hoops with his dad, and dressing up as Spiderman or Batman; 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 do hereby recognize Jake Waters as the Children's Miracle Network Champion Child of Nevada; and be it further

RESOLVED, That Jake's enjoyment of and enthusiasm for life, despite the difficult times, is an inspiration of hope and healing to other children and is a call to all of us to live life to the fullest and to be positive and strong in the face of adversity as Jake has been; and be it further

RESOLVED, That in appreciation for all that has been done for millions of children over the years, the residents of Nevada are urged to show their support for the Children's Miracle Network and the nonprofit children's hospitals that depend on communities to help fund the vital services they offer to brave children everywhere; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Jake Waters of Reno, Nevada.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

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

Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 90, 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 were re-referred Assembly Bills Nos. 114 and 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 174, 250 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 27:

YEAS—42.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209

Bill read third time.

Remarks by Assemblyman Carpenter.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that 209 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 257.

Bill read third time.

Remarks by Assemblyman Seale.

Potential conflict of interest declared by Assemblyman Seale.

Roll call on Senate Bill No. 257:

YEAS—42.

NAYS—None.

Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 266:

YEAS—42.

NAYS—None.

Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 278.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 278:

YEAS—42.

NAYS—None.

Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to 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 12:10 p.m.

ASSEMBLY IN SESSION

At 12:12 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 382 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 442 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 106.

The following Senate amendment was read:

Amendment No. 615.

Amend sec. 2, page 2, line 2, after "act" by inserting: "for the preparation of new offices for occupancy".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 106.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 123.

The following Senate amendment was read:

Amendment No. 667.

Amend section 1, page 2, by deleting lines 18 through 28 and inserting:

“3. *A child under 18 years of age shall not have in his possession or under his custody or control any electronic stun device.*

4. *Except as otherwise provided in this section, a person within this State shall not sell, give or otherwise provide an electronic stun device to another person if he has actual knowledge that the other person:*

(a) *Is a child under 18 years of age;*

(b) *Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms;*

(c) *Is a fugitive from justice;*

(d) *Has been adjudicated as mentally ill or has been committed to any mental health facility; or*

(e) *Is illegally or unlawfully in the United States.”.*

Amend section 1, page 2, line 29, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 37, by deleting “5.” and inserting “6.”.

Amend section 1, page 3, between lines 2 and 3, by inserting:

“7. *A person who violates the provisions of subsection 4 is guilty of a category D felony and shall be punished as provided in NRS 193.130.”.*

Amend section 1, page 3, by deleting line 3 and inserting:

“8. *The provisions of subsections 1, 2 and 4 do not apply to a”.*

Amend section 1, page 3, line 4, after “uses” by inserting: “*or sells, gives or otherwise provides to another person”.*

Amend section 1, page 3, line 6, by deleting “7.” and inserting “9.”.

Amend the title of the bill, fourth line, by deleting: “*providing a penalty;*” and inserting: “*prohibiting the sale or disposal of an electronic stun device to certain persons; providing penalties;*”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits use, possession and sale or disposal of electronic stun devices under certain circumstances. (BDR 15-600)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 123.

Remarks by Assemblymen Anderson and Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 20, 179, 235, and 372; Senate Bills Nos. 23, 24, 47, 59, 66, 111, 116, 121, 192, and 197; Senate Joint Resolution No. 1; Senate Concurrent Resolutions Nos. 30 and 31.

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 Pete Harding, Dick McNeely, and Ken Kleine.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Rohleder.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Garrett Adams, Callie Black, Amanda Bracher, Colt Capurro, Bobby Cervantes, Bailey Corkill, Marta Crawford, Trent deBraga, Luis Dominguez, Edith Enriquez, Alex Faught, Alan Gray, Shayna Gross, Brandi Martin, Faviola Montes, Dominic Pasquale, Taylor Pearce, Kate Pinder, Nichole Rothery, Lauren Ryon, Racheal Schmidt, Shane Smith, Rylan Stevens, Emma Stotz, Tyler Sugg, Kenny Tedford, Melissa Thomas, Kristine Trader, Racel Vanderbeek, Elizabeth Withers, Katherine Withers, Kathy Buckmaster, Lydia Guterrez, Suzanne Hurst, Keith Lund, Joanne Tanner, Sandy Vanderbeek, and Callie Walsh-Bailey.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Jane Harding.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Claude Perkins, Reginald Perkins, Cordell Stokes, Hannah Brown, and Donovan Chambers.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Waters, Joe Waters, Shanlee Waters, Eric Guevin, Bob Olson, and Tia Spears.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Myron G. Martin.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 10, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly