

**THE ONE-HUNDRED AND FIRST DAY**

---

CARSON CITY (Wednesday), May 18, 2005

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Assemblyman Richard Perkins.

“We Pray for Children” by Ina J. Hughes

We pray for children  
who put chocolate fingers everywhere,  
who like to be tickled,  
who stomp in puddles and ruin their new pants,  
who sneak Popsicles before supper,  
who erase holes in math workbooks,  
who can never find their shoes.

And we pray for those

who stare at photographers from behind barbed wire,  
who can't bound down the street in a new pair of sneakers,  
who never “counted potatoes,”  
who are born in places we wouldn't be caught dead,  
who never go to the circus and who live in an X-rated world.

We pray for children

who bring us sticky kisses and fistfuls of dandelions,  
who sleep with the dog and bury the goldfish,  
who hug us in a hurry and forget their lunch money,  
who cover themselves with Band-Aids and sing off key,  
who squeeze toothpaste all over the sink and who slurp their soup.

And we pray for those

who never get dessert,  
who have no safe blanket to drag behind them,  
who watch their parents watch them die,  
who can't find any bread to steal,  
who don't have any rooms to clean up,  
whose pictures aren't on anybody's dresser,  
whose monsters are real.

We pray for children

who spend all their allowance before Tuesday,  
who throw tantrums in the grocery store and pick at their food,  
who like ghost stories,  
who shove dirty clothes under the bed and never rinse out the tub,  
who get visits from the tooth fairy,  
who don't like to be kissed in front of their friends,  
who squirm in church or temple and scream in the phone,  
whose tears we sometimes laugh at and whose smiles can make us cry.

We pray for those

whose nightmares come in the daytime,  
who will eat anything,  
who have never seen a dentist,  
who aren't spoiled by anybody,  
who go to bed hungry and cry themselves to sleep,  
who live and move, but have no being.

We pray for children who want to be carried and

for those who must,  
for those we never give up on and for those  
who don't get a second chance.

For those we smother and for those who will grab the hand of anybody kind enough to offer  
it.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

*Mr. Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 509.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 107.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 701 to Senate Bill No. 30; Assembly Amendment No. 702 to Senate Bill No. 35.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 21.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

#### INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 107.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 509.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 101.

Bill read second time and ordered to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 743.

Amend section 1, page 1, line 8, by deleting: "*Rainy Day Fund*" and inserting: "*Disaster Relief Account*".

Amend section 1, page 1, line 12, by deleting: "*Rainy Day Fund.*" and inserting: "*Disaster Relief Account.*".

Amend sec. 5, page 3, line 41, by deleting "5" and inserting "~~5~~ 10".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 750.

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

3.

Amend sec. 4, page 5, by deleting lines 4 through 14 and inserting:

"388.700 1. Except as otherwise provided in ~~subsections 2, 3 and 6,~~ *this section*, after the last day of the first month of the school year, the ratio in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who".

Amend sec. 4, page 5, line 15, by deleting the brackets and strike-through.

Amend sec. 4, page 5, line 22, after "3." by inserting: "*Each school district that does not meet the ratio of pupils per class:*

(a) *Set forth in subsection 1;*

(b) *Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or*

(c) *Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,*

*must request a variance from the State Board by providing a written statement that includes the reasons for the request and the justification for exceeding the applicable prescribed ratio of pupils per class.*

4.".

Amend sec. 4, page 5, line 24, by deleting "subsection 1" and inserting: "*paragraph (a), (b) or (c) of subsection ~~1~~ 3*".

Amend sec. 4, page 5, line 27, by deleting "4." and inserting: "~~4~~ 5.".

Amend sec. 4, page 5, line 34, by deleting the brackets and strike-through.

Amend sec. 4, page 5, line 35, by deleting “5.” and inserting “[5.] 6.”.

Amend sec. 4, page 6, line 1, by deleting the brackets and strike-through.

Amend sec. 4, page 6, line 3, by deleting “6.” and inserting “[6.] 7.”.

Amend the bill as a whole by deleting sections 5 and 6, renumbering sec. 7 as sec. 5 and adding a new section designated sec. 4, following sec. 4, to read as follows:

“Sec. 4. The Legislature hereby declares its intent that the use of team-teaching for the purpose of satisfying the requirements of the class-size reduction program be eliminated by all school districts not later than the beginning of the 2011–2012 school year. To accomplish this intent, the Legislature hereby encourages the board of trustees of each school district to request that the residents of the county in which the school district is located support bonds for the construction of additional class rooms necessary for the elimination of team-teaching.”.

Amend the title of the bill by deleting the fourth through seventh lines and inserting: “Program; prescribing the circumstances under which a school district is required to request a variance from the requirements of the class-size reduction program; expressing the intent of the Legislature concerning the elimination of team-teaching in connection with the class-size reduction program; and providing other matters properly relating”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 36.

Bill read second time.

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

Amendment No. 737.

Amend section 1, page 2, line 6, by deleting the colon.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

“*guilty of a misdemeanor and shall be punished by a fine of not more than \$500.*”.

Amend sec. 12, pages 7 and 8, by deleting lines 2 through 44 on page 7 and lines 1 through 4 on page 8 and inserting:

“118.105 1. ~~1A~~ *Except as otherwise provided in subsection 2, a landlord may not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~is a service~~ an animal will be residing with the prospective tenant in the dwelling ~~if~~ if the animal assists, supports or provides service to the person with a disability.*

2. A landlord may require proof that an animal ~~is a service animal~~ assists, supports or provides service to the person with a disability. This requirement may be satisfied, without limitation, by ~~exhibition of the identification card normally presented to a person with a disability upon his~~

~~graduation from a school for guide dogs, school for hearing dogs, school for helping dogs or school for other service animals.~~

~~3. As used in this section:~~

~~(a) "School for guide dogs" has the meaning ascribed to it in NRS 426.085.~~

~~(b) "School for hearing dogs" has the meaning ascribed to it in NRS 426.091.~~

~~(c) "School for helping dogs" has the meaning ascribed to it in NRS 426.095.~~

~~(d) "Service animal" has the meaning ascribed to it in NRS 426.097.] a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability."~~

Amend the title of the bill by deleting the sixth line and inserting: "restitution for certain violations; revising provisions concerning rental of certain dwellings by persons with a service animal; providing a penalty; and".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 70.

Bill read second time.

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

Amendment No. 752.

Amend section 1, page 2, line 41, after "2." by inserting: "*On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning any action that the Committee had taken pursuant to subsection 1 during that biennium.*

3."

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 218.536, 218.5361, 218.5363, 218.5365, 218.5367, 218.5368, 218.5369 and 218.5371 are hereby repealed."

Amend sec. 2, page 3, by deleting line 1 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective on July 1, 2009.

#### LEADLINES OF REPEALED SECTIONS

218.536 Legislative findings and declarations.

218.5361 "Committee" defined.

218.5363 Establishment; membership; Chairman; vacancies.

218.5365 Meetings; regulations; compensation of members.

218.5367 Powers of Committee.

218.5368 Duties of Committee.

218.5369 Oaths; depositions; subpoenas.

218.5371 Fees and mileage for witnesses.”.

Amend the title of the bill, third line, after “lands;” by inserting: “requiring the Committee to submit a report concerning certain actions taken by the Committee to the Director of the Legislative Counsel Bureau; repealing prospectively the provisions creating the Committee;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Amends provisions relating to Legislative Committee on Public Lands. (BDR 17-427)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 81.

Bill read second time and ordered to third reading.

Senate Bill No. 131.

Bill read second time and ordered to third reading.

Senate Bill No. 184.

Bill read second time and ordered to third reading.

Senate Bill No. 194.

Bill read second time and ordered to third reading.

Senate Bill No. 229.

Bill read second time and ordered to third reading.

Senate Bill No. 280.

Bill read second time and ordered to third reading.

Senate Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 734.

Amend section 1, page 1, line 12, after “(d)” by inserting: “*One member who is a public defender, appointed by the governing body of the State Bar of Nevada;*

*(e)*”.

Amend section 1, page 2, line 1, by deleting “(e)” and inserting “~~{(e)}~~ (f)”.

Amend section 1, page 2, line 4, by deleting “(f)” and inserting “~~{(f)}~~ (g)”.

Amend section 1, page 2, line 7, by deleting “(g)” and inserting “~~{(g)}~~ (h)”.

Amend section 1, page 2, line 9, by deleting “(h)” and inserting “~~{(h)}~~ (i)”.

Amend section 1, page 2, line 10, by deleting “(i)” and inserting “(j)”.

Amend section 1, page 2, line 13, by deleting “(j)” and inserting “(k)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 395.

Bill read second time and ordered to third reading.

Senate Bill No. 443.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time and ordered to third reading.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 237.

The following Senate amendment was read:

Amendment No. 668.

Amend sec. 2, page 3, by deleting lines 32 through 37 and inserting:

“(m) Except ~~in a judicial district that includes a county whose population is 100,000 or more,~~ *as otherwise provided in this paragraph,* in any action for the issuance of a temporary or extended order for protection against domestic violence. *A justice’s court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:*

*(1) In a county whose population is more than 100,000 and less than 400,000;*

*(2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or*

*(3) If a party to the action is a party in another action pending in the district court in which such an order may be granted by the district court.”.*

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 237.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 518.

The following Senate amendment was read:

Amendment No. 704.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 388.090 is hereby amended to read as follows:



388.090 1. Except as otherwise provided in this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection ~~18~~ 9.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180.

6. *The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through*

*the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in the program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil's progress throughout the school year and a process for appealing a determination regarding a pupil's need for remedial education.*

7. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district.

~~{7.}~~ 8. If more than 3 days of free school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.

~~{8.}~~ 9. The State Board shall adopt regulations:

(a) Providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.

(b) Defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.”.

Amend section 1, page 2, by deleting lines 28 through 31 and inserting: *“adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the”.*

Amend sec. 2, pages 3 and 4, by deleting lines 40 through 44 on page 3 and lines 1 through 9 on page 4, and inserting: “*pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.*”.

Amend the title of the bill, first line, after “education;” by inserting: “authorizing the boards of trustees of school districts to apply to the Superintendent of Public Instruction for additional days or minutes of instruction for certain programs of remedial education;”.

Assemblywoman Smith moved that the Assembly concur in the Senate amendment to Assembly Bill No. 518.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 732.

Amend section 1, page 2, by deleting lines 25 and 26 and inserting: “*emergency, a type IV personal flotation device approved by the United States Coast Guard which is capable of being thrown, such as a ring life buoy or buoyant cushion. A type IV personal flotation device required by this*”.

Amend section 1, page 2, by deleting line 34 and inserting: “*use in an emergency, a type IV personal flotation device approved by the United States Coast Guard which is capable of being thrown.*”.

Amend section 1, page 2, by deleting lines 37 and 38 and inserting: “*length, such a type IV personal flotation device must be carried on both the fore and the aft of the vessel. A type IV personal flotation device required by*”.

Amend the title of the bill, second line, by deleting “safety” and inserting “personal flotation”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires certain vessels to carry on board certain personal flotation devices. (BDR 43-770)”.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 112.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 220.

The following Senate amendment was read:

Amendment No. 678.

Amend section 1, page 2, line 4, by deleting: “but not more than 20 percent” and inserting: “~~but not more than 20 percent~~”.

Amend sec. 2, page 2, line 20, by deleting: “but not more than 20 percent” and inserting: “[~~but not more than 20 percent~~]”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 220.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Atkinson moved that Senate Joint Resolution No. 12 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 500 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 279:

YEAS—42.

NAYS—None.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblymen Marvel and Giunchigliani.

Roll call on Assembly Bill No. 299:

YEAS—42.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblywomen McClain and Giunchigliani.

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

Roll call on Assembly Bill No. 530:

YEAS—40.

NAYS—Angle, Arberry—2.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 15, 19, 93, 135, 138, 169, 174, 180, 193, 201, 225, 255, 290, 295, 307, and 424 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 12:07 p.m.

#### ASSEMBLY IN SESSION

At 12:11 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

#### REMARKS FROM THE FLOOR

Assemblywoman Weber requested that the following remarks be placed in the Journal:

##### ASSEMBLYMAN PERKINS:

On Friday we are having a special occasion on the Capitol Mall for Armed Services Day to show appreciation to our troops throughout the world. With that message in mind, I have something I received through the e-mail tree that I thought was touching, relating to a particular serviceman. I wanted to share that with you. I will warn you first that it talks a little bit about the activities that occurred that this particular Marine was involved in and the very difficult times his unit was under. I do not know who to attribute the statement to, so I apologize in advance.

Maybe you'd like to hear about a real American, somebody who honored the uniform he wears. Meet Brian Chontosh. Churchville-Chili Central School class of 1991. Proud graduate of the Rochester Institute of Technology. Husband and about-to-be father. First Lieutenant (now Captain) in the United States Marine Corps. And a genuine hero.

The Secretary of the Navy said so yesterday. At Twenty Nine Palms in California, Brian Chontosh was presented with the Navy Cross, the second-highest award for combat bravery the United States can bestow. That's a big deal. But you won't see it on the network news tonight, and all you read in Brian's hometown newspaper was two paragraphs of nothing. The odd fact about the American media in this war is that it's not covering the American military. The most plugged-in nation in the world is receiving virtually no true information about what its warriors are doing.

Oh, sure, there's a body count. We know how many Americans have fallen. And we see those same casket pictures day in and day out. And we're almost on a first-name basis with the jerks who abused the Iraqi prisoners. And we know all about improvised explosive devices and how we lost Fallujah and what Arab public opinion polls say about us and how the world hates us.

We get a non-stop feed of gloom and doom. But we don't hear about the heroes. The incredibly brave GIs who honorably do their duty. The ones our grandparents would have carried on their shoulders down Fifth Avenue. The ones we completely ignore. Like Brian Chontosh.

It was a year ago on the march into Baghdad. Brian Chontosh was a platoon leader rolling up Highway 1 in a Humvee, when all hell broke loose. Ambush City. The young Marines were being cut to ribbons. Mortars, machine guns, rocket-propelled grenades. And the kid out of Churchville was in charge. It was do or die and it was up to him. So he moved to the side of his column looking for a way to lead his men to safety. As he tried to poke a hole through the Iraqi line, his Humvee came under direct enemy machine gun fire. It was fish in a barrel and the Marines were the fish. And Brian Chontosh gave the order to attack. He told his driver to floor the Humvee directly at the machine gun emplacement that was firing at them, and he had the guy on top with the .50 cal unload on them. Within moments, there were Iraqis slumped across the machine gun and Chontosh was still advancing, ordering his driver now to take the Humvee directly into the Iraqi trench that was attacking his Marines. Over into the battlement the Humvee went and out the door Brian Chontosh bailed, carrying an M16 and a Beretta and 228 years of Marine Corps pride. And he ran down the trench, with its mortars and riflemen, machine guns and grenadiers, and he killed them all. He fought with the M16 until it was out of ammo. Then he fought with the Beretta until it was out of ammo. Then he picked up a dead man's AK47 and fought with that until it was out of ammo. Then he picked up another dead man's AK47 and fought with that until it was out of ammo. At one point he even fired a discarded Iraqi RPG into an enemy cluster, sending attackers flying with its grenade explosion.

When he was done, Brian Chontosh had cleared 200 yards of entrenched Iraqis from his platoon's flank. He had killed more than 20 and wounded at least as many more.

But that's probably not how he would tell it. He would probably merely say that his Marines were in trouble, and he got them out of trouble.

*Hoo-ah*, and drive on.

"By his outstanding display of decisive leadership, unlimited courage in the face of heavy enemy fire, and utmost devotion to duty, 1st Lt. Chontosh reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service." That's what the citation says. And that's what nobody will hear. That's what doesn't seem to be making the evening news. Accounts of American valor are dismissed by the press as propaganda, yet accounts of American difficulties are heralded as objectivity. It makes you wonder if the role of the media is to inform or to depress – to report or to deride. To tell the truth, or to feed us lies. But I guess it doesn't matter. We're going to turn out all right as long as men like Brian Chontosh wear our uniform.

ASSEMBLYMAN ANDERSON:

There is nothing anyone can say after that. I would note that recently Steve Watson shared an e-mail from his son with many of us. If you see him in the hall you might thank him for the service of his son who stands in harm's way on a day-to-day basis and for the people of our Guard units who are doing the same.

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 502; Senate Bills Nos. 43, 199, 270, 417 and 449; Senate Joint Resolution No. 11 of the 72nd Session.

## 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 Sandy Hudgens.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Little, Earnest Frazier, Sheryl Frazier, Scott Porter, Mike Little, and Keeton Little.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Eflmoff and Jean Bondiett.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Beth Acac and Karen Hatch.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Sullivan, Mitchell Albrect, Cody Barnes, Katerina Berg, Zach Bolton, Lynelle Fung, Dylan Griffin, Taylor Grogan, Christine Houk, Adam Hsu, Andres Jacincto, Loren Johnson, Sunay Kandi, Haley Magenheimer, Alysa Mallorca, Elena Mendez, Joanna Rimon, Sarah Smith, Courtney Tranberg, Dylan Travis, Jasmine Videna, Mrs. Griffith, Carrolann Bailey, Davis Brodzinski, Mariah Connell, Sandra Romano, Chase Heying, Catie Houk, Aaron Johnson, Ciara Kelley, Jason Ligon, Jennifer Mayer, Nick Pavone, David Polk, Jillisa Pritchard, Luis Salcedo, Morgan Sanders, Tyler Sands, Ben Schultz, Will Shutt, Alexis Suerdieck, Bivyanna Torres, Mr. Henry, Blake Banning, Jeremy Bonar, Michael Glazer, Alyssa Harwell, Sam Mason, Joe Preciado, Cody Rose, Jaime Tackett, Keylie Tisdale, Clarissa Vazquez, Breanna Vest, Erica Wood, Chandler Wright, and Deana Wright.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Nelson and Glenn Nelson.

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

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Quintin Allen, Katrina Brelthaupt, Quinn Chapman, Matthew Conners, Raymond Dallimore, Coriann Defebaugh, Joseph Donovan, Matthew Fickus,

Jullan Franco, Kendall Goldsworthy, Tyler Hodson, Wyatt Hudson, Samuel Hunter, Lee Laney, Gregg Lemon, Erik Malm, Thomas Martini, Julie McDowell, Ashley McNair, Nikala McPartlin, Kristen Neufeld, Corinna Obermayr, Christina Owens, Jordan Popiela, Keana Prah, Savana Press, Nicholas Seymour, Dylann Smotherman, Andrew Woolley, Jo Kilmer, Molly Allander, Glenn Defebaugh, Jill Connors, and Melissa Field.

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

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Mello and Pat Fladager.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Madsen and Ileri Rivas.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tia Pilikian.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Dinah Jordan.

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

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Kelly.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Green.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Pickett, Sandy Osheroff, and Stacie Wilke.

On request of Assemblywoman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Perkins and Nicole Perkins.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Yolanda Garcia and Alice Downer.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Petell and Nancy Boland.



On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Karen McEntire and Ada Roelke.

Assemblyman Ocegüera moved that the Assembly, in conformance with section 15 of Article 4 of the Constitution of the State of Nevada, with the consent of the Senate, adjourn until Monday, May 23, 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*