

THE ELEVENTH DAY

CARSON CITY (Thursday), February 17, 2005

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

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, our Lord, how majestic is Your Name in all the earth. The glory of the sunset, the fragrance of the rose, the song of the meadowlark, and the whisper of the brook all declare Your handiwork. Guide us and bless our efforts so that our efforts may prove to be handiwork which is pleasing in Your sight. In Jesus' name I pray.

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.

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 3—Declaring February 13 through February 19, 2005, as Career and Technical Education Week and commending career and technical education student organizations.

WHEREAS, February 13 to 19, 2005, has been designated Career and Technical Education Week by the Association for Career and Technical Education; and

WHEREAS, Profound economic and technological changes in our society are reflected in the structure and nature of our workforce, thereby placing new and additional responsibilities on our educational system to prepare students with the necessary basic skills to be successful; and

WHEREAS, Career and technical education improves the quality of education by giving secondary and post-secondary students experience in practical, meaningful applications of basic skills; and

WHEREAS, SkillsUSA, a national organization serving more than 264,500 high school and college students and professional members enrolled in training programs in technical, skilled and service occupations, provides quality educational experiences for students in leadership, teamwork, citizenship and character development, builds self-confidence, work attitudes and communications skills in students, emphasizes life-long education and pride in the dignity of work, and promotes understanding of the free enterprise system and involvement in community service activities; and

WHEREAS, The Distributive Education Clubs of America (DECA) has given young people the tools and aptitudes needed to pursue career opportunities in marketing and management and entrepreneurial opportunities; and

WHEREAS, The mission of Future Business Leaders of America—Phi Beta Lambda (FBLA-PBL), a nonprofit education association of students preparing for careers in business and

business-related fields, is to bring business and education together in a positive working relationship through innovative leadership and career development programs; and

WHEREAS, The National FFA Organization, formerly Future Farmers of America, has seen millions of students achieve real-world success as it pursues its mission to make a positive difference in the lives of students by developing their potential for leadership, personal growth and career success through agricultural education; and

WHEREAS, Family, Career and Community Leaders of America, Inc., (FCCLA), whose central focus is the family, has promoted personal growth and leadership development through family and consumer sciences education, with over 220,000 members preparing for and choosing careers which will ultimately help achieve global cooperation and harmony; and

WHEREAS, These and other organizations provide young Americans with a school-to-career connection and offer them opportunities to learn new skills which provide them with career choices and personal satisfaction as they become productive members and leaders of their communities; and

WHEREAS, The participants in these organizations become the backbone of a strong, well-educated workforce which fosters productivity in business and industry and contributes to America's leadership in the international marketplace; and

WHEREAS, The ever-increasing cooperative efforts of career and technical educators and business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for careers in fields forecast to experience the largest and fastest growth; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Session of the Nevada Legislature hereby declares February 13 through February 19, 2005, as Career and Technical Education Week; and be it further

RESOLVED, That SkillsUSA, DECA, Future Business Leaders of America—Phi Beta Lambda, the National FFA Organization, Family, Career and Community Leaders of America, Inc., and similar organizations are commended for their decades of fostering personal growth and community leadership among the young people of our country and emphasizing the achievement of excellence in whatever vocation they choose; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Association for Career and Technical Education, Nevada SkillsUSA, Nevada DECA, Inc., Nevada FBLA-PBL, the Nevada FFA Association, the Nevada Association FCCLA and the Department of Education.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Goicoechea.

Resolution adopted.

Assemblywoman Buckley moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 17, 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. 4.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

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

Senate Concurrent Resolution No. 4—Designating February 17, 2005, as E Clampus Vitus Day at the Nevada Legislature.

WHEREAS, It has come to the attention of the Nevada Legislature that the Ancient and Honorable Order of E Clampus Vitus has maintained its honorable status throughout the known world and especially in this great State of Nevada; and

WHEREAS, The Ancient and Honorable and Exceedingly Humble Order of E Clampus Vitus has survived the test of time to become one of the longest surviving brotherhoods of men that continue to fulfill a fundamental need in providing protection and kindness while advancing the noble cause of Clamperdom to residents of the Silver State, especially all the “widders” and orphans, and descendants of the Argonauts; and

WHEREAS, The Honorable Order of E Clampus Vitus was founded in West Virginia in 1845 by Ephram Bee, owner of a tavern on the National Road, and shortly thereafter the warmhearted brothers affectionately became known as the “Clampin Vipers”; and

WHEREAS, In 1860, William Stewart founded the first Ancient and Honorable Order of E Clampus Vitus, Winnemucca Lodge #1, in the Utah Territory, in the unsuspecting peaceful town known as Carson City; and

WHEREAS, The creed of the Clamproctors, yesterday, as well as today, is “to protect the ‘widders’ and orphans, and MAINLY the ‘widders’”; and

WHEREAS, The State of Nevada is proud to continue the tradition of 160 years of devoted service with the Nevada chapters, which now include the Snowshoe Thompson Chapter of Douglas County, the Julia C. Bulette Chapter of the Comstock, the Lucinda Jane Saunders Chapter of Elko County and the Queho Chapter of Clark County; and

WHEREAS, It is an honor and privilege to recognize one of our fellow Clamproctors, Harold “Sonny” Marshall, as the Sublime Noble Grand Humbug of The Honorable Order of E Clampus Vitus; and

WHEREAS, While tradition and revelry will continue, the members of this body were deeply saddened to learn of the passing of our fallen brothers who have gone on to the Silver Hills and Golden Hills and whose long-standing participation in the activities of this Ancient and Honorable Order will be sorely missed; 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, of whom many are proud members of E Clampus Vitus, do hereby declare February 17, 2005, as E Clampus Vitus Day at the Nevada Legislature, a day to be marked by appropriate revelry and thanksgiving; and be it further

RESOLVED, That the Ancient and Honorable Order of E Clampus Vitus is praised and commended for its contributions to mankind and others, and recognized as an illustrious group of Clampers, Clampatious, Vituscans and Frolicking Friars who must continue to serve and protect the residents of the Silver State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Clamp Patriarchs, Peter Van Alstyne and Jerry Robich.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

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

ASSEMBLYMAN ANDERSON:

Indeed it would be hard to top the eloquent language in the resolution, which clearly states the purpose and intent of such a noble group. I, of course, chose my shirt today in honor of this auspicious occasion and the group that we honor today for the sixteenth time. That means over the last 32 years we have had a legislative day for this group that has appeared in the Nevada Legislature. Once again we see them here because of their concern for “widders.” Widders are near and dear to our hearts and clearly one of the questions which are in front of us.

My love of history compels me to remind the Body that E Clampus Vitus (ECV) Organization originated in the 1800s and became famous in the gold fields of California in the 1850s. The chapter quickly sprung up through the Mother Lode, in places like Downieville, Mokelumne Hill, and Sierra City. One of the purposes of the EVC was to provide relief for miners, widows, and orphans. Some might say that the interest in “widders” had some personal overtones and of course, such relationships were natural to happen.

Traveling salesmen called “drummers” often found it hard to sell their wares in these communities unless, of course, brother EVC members were entertained. An early saying in the gold camps was, “Clampers only patronize brother Clampers.” Therefore a good business practice would be to belong to such a group. In fact, some members, I believe, of our Body may be joining this group today for such a purpose. Sometimes the salesmen would end up in a rowdy drinking organization in order to facilitate the sale of his product and, of course, these members would take advantage of this opportunity, so when the sales drummer’s poke would be empty, generally speaking, the party came to an end.

As more people came out West, more staid fraternal organizations came into existence. The new lodges tended to be more clannish and serious when compared to the rowdy Clampers. To poke fun at the pomp and ceremony of these later organizations and the fancy sashes and bejeweled vests worn by some of their members, the Clampers made fun of these groups by cutting can lids into odd shapes and pinning them to their own simple vests. They called this “wearing your tin,” a practice continued to this day; although badges, ribbons, and enameled pins have taken the place of those tin cup lids.

The organization was revitalized in San Francisco in 1931. Today, E Clampus Vitus is a nonprofit organization, for me, that is involved in humanitarian and public help programs, while maintaining a steadfast program of historic preservation. There are numerous active chapters throughout the southwest dedicated to preserving western and mining history. This “serious” side of the organization works to find, research, and dedicate plaques to sites, incidents, and people in western history that might otherwise be overlooked. In fact, my family members maintain that I will never drive by one of these sites without making them all stop and read the plaque.

In their fun and frivolity and their ability to poke fun at themselves, they take on this serious business of continuing to have a good time and look after the needy “widders” who are out there, to keep our social lives alive, to care for the communities in which we live, and to make sure that if there are any traveling salesmen who need a good opportunity to see their poke go dry, they will be happy to fill it up.

Thank you, Mr. Speaker.

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Koivisto, Claborn, McClain, Giunchigliani, Parks, Anderson, Arberry, Atkinson, Conklin, Denis, Gerhardt, Kirkpatrick, Manendo, McCleary, Ocegüera, Pierce, and Smith:

Assembly Bill No. 69—AN ACT relating to employment practices; authorizing an employer to enter into a fair share agreement with a labor organization which requires employees who are not members of the labor organization to pay a fee to the labor organization as a condition for employment; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Kirkpatrick, McCleary, Sibley, Allen, Anderson, Arberry, Atkinson, Conklin, Denis, Gansert, Giunchigliani, Goicoechea, Hardy, Hogan, Koivisto, McClain, Munford, Ocegüera, Parks, Parnell, Pierce, and Smith; Senator Carlton:

Assembly Bill No. 70—AN ACT relating to school property; exempting certain nonprofit educational organizations from charges associated with the use of school property; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Christensen, Conklin, Hettrick, Parks, Sherer, Allen, Carpenter, Claborn, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Mabey, Marvel, McClain, Pierce, and Sibley; Senators Nolan, Amodei, Schneider, Lee, and Care:

Assembly Bill No. 71—AN ACT relating to common-interest communities; requiring an association of a common-interest community to provide a unit's owner with a copy of the declaration of covenants, conditions and restrictions upon request by the unit's owner; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 72—AN ACT relating to controlled substances; increasing the penalty for subsequent convictions within a 3-year period for the use of drug paraphernalia or the possession of drug paraphernalia with the intent to use the drug paraphernalia; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 73—AN ACT relating to the Department of Business and Industry; authorizing the Director of the Department to appoint and employ certain personnel to assist the Local Government Employee-Management Relations Board and the Taxicab Authority; providing that the Real Estate Division is subject to the administrative supervision of the Director for the purposes of the Uniform Common-Interest Community Act; authorizing the Director to appoint the Executive Director of the Nevada Athletic Commission; requiring the Director to appoint the Executive Director of the State Dairy Commission; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 74—AN ACT relating to local improvements; authorizing the governing body of a local government to create maintenance districts to pay the cost of maintaining and improving certain local improvement projects; providing for the levying of assessments in connection with such maintenance districts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McCleary, Atkinson, Kirkpatrick, Munford, Claborn, Denis, Hardy, and Manendo; Senators Hardy, Care, and Lee:

Assembly Bill No. 75—AN ACT making an appropriation to Clark County School District for use by Rancho High School to purchase a stand for a fighter plane that was donated by the United States Air Force; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 76—AN ACT relating to education; authorizing the board of trustees of a school district to accommodate certain pupils who are physically or mentally unable to attend school in the policy for attendance of pupils at school; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Horne, Giunchigliani, McCleary, Leslie, Atkinson, Allen, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Sherer, Sibley, and Smith; Senators Carlton, Cegavske, Amodei, and Hardy:

Assembly Bill No. 77—AN ACT relating to motor vehicles; requiring the board of trustees of each school district to establish and maintain courses in automobile drivers' education; prohibiting a person who is under the age of 16 years from obtaining an instruction permit unless he is enrolled in a course in automobile drivers' education; requiring every policy of liability insurance covering a motor vehicle to provide for reduced premiums for certain persons who have completed a course in automobile drivers' education; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

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

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Horne withdrew the motion that Assembly Bill No. 77 be referred to the Concurrent Committees on Education and Ways and Means.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 78—AN ACT relating to estates; revising certain provisions relating to the powers and duties of a public administrator; revising provisions governing the sale of personal property of an estate; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 79—AN ACT relating to civil practice; allowing the court under certain circumstances to require a person found guilty of contempt to pay the reasonable expenses incurred by a party as a result of the contempt; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time and ordered to third reading.

Assembly Bill No. 34.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 17

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 17:

YEAS—42.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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 Sonny Marshall, Rob McKeivitt, Scoop Robich, Cappy Cook, Buck Jones, Gary Wright, Marsh Fey, Augie Fey, Jim Lydon, Peter Van Alstyne, Charlie Harper, Bob Romer, Danny Coyle, Geno Oliver, John Worthy, Ralph Hultburg, Nate Hughes, Ron Bradley, Rocky Dixon, David Tehee, Bob Inderbieten, Eric Vargas, Scott Gross, Ellis Nelson, Jim Lacey, Steve Shermen, John Boyne, Tom Ries, and Rob Clark.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Virgie R. Vincent and Rodney Brown.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Johnson.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Rice, Nancy Kerns Cummins, Karen Hume, Bob Cooper, Keith Olsen, Sherise Smith, Jason Van Havel, Michelle Kaiser, Ronda Malvey, C. Armando Valencia, James H. Benesch, Taylor L. Cobb, Dillon M. Coleman, Evelyn A. Cunningham, Andrew K. Evans, Liam M. Gomez, Zachery T. Hall, Dylan S. Harris, Allison E. Kreutzian, Grant M. Kukuk, Travis R. Mattoon, Alexandra M. McReynolds,

Olivia A. Moore, Hannah Murphy, Blake H. Achtsheim, Isabella E. Pitts, Kaitlin M. Ramirez, Kellen W. Richards, Kayleen R. Richter, Molly A. Salmon, Chase H. Barnes, Emily Breslow, Maria C. Cagney, Alexa M. Conte, Jerad D. Hershewe, Kaytlin A. Justis, Vincent E. Koci, Christopher J. Lennox, Ryan P. Magera, Wesley G. Matthews, Rex H. Nowak, Eric M. Petralia, Shane C. Ryan, Andrea J. Sanford, Nabila Sarkar, Devin K. Smith, Janice D. Ta, Destinee Terry, Tyler B. Van Ry, Garret T. Volk, Brittany N. Wade, Leah J. Whitefield, Garrett M. Wright, Daniel D. Yi, Ryan D. Akers, Ivan V. Biondi, Ryan J. Bush, Lily W. Cooper, Alexis K. Coulter, Kayla M. Crocco, Allina L. Cummins, Alyssa M. Eckert, James D. Ferrari, Mackenzie C. Fuller, Michael Z. Harrison, Tyler G. Harrison, Annamarie H. Heydon, Lauren K. Hoogs, Evan M. Jacobs, Cody A. Kaiser, Marcus S. Lorang, Makenzi A. Malvey, Jessica A. Olson, Michael J. Peck, Kevin M. Pikero, Adrian G. Rodriguez, Lauren B. Sandberg, Taylor E. Sibson, Austin D. Smith, Brennen D. Alonso, Anna L. Brackney, Patrick K. Briggs, Albert R. Bylund, Drew A. Calvillo, Katherine L. Clark, Kevin G. Eisele, Shane M. Gump, Ryan K. Hansen, Gabrielle M. Kanellos, Aaron S. Karr, Maxwell S. Kiene, Camille E. Mathis, Ashley K. McPhail, Tessyn C. Opperman, Jachary M. Paquette, Camille E. Perry, Dana Rao, Zachary R. Rice, Hannah M. Rosser, Sedona A. Shonnard, Lydia R. Valencia, Ashley C. Van Havel, and Carter S. Zumtobel.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to David Gouger, Lauren Forbus, David Grenz, George Pomeroy, and Amy Lee.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to David Richards.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 18, 2005, at 8:00 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly