

**THE NINETY-THIRD DAY**

---

CARSON CITY (Tuesday), May 10, 2005

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Gansert, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We open our hearts to You, O God, and pray that You may indwell in each one of us and give us poise and power. We have printed on our paper money, "In God We Trust." Give us the faith to not only put it in print but to apply it to our lives. Help us to do our very best this day and be content with today's troubles so that we shall not borrow the troubles of tomorrow. Save us from the sin of worrying, lest stomach ulcers be the badge of our lack of trust in You. These things we ask from Him who is so trustworthy.

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 Health and Human Services, to which was referred Senate Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 77, 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*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 16, 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 438, 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*

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

Assembly in recess at 11:22 a.m.

### ASSEMBLY IN SESSION

At 11:23 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### 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 passed Assembly Bill No. 234.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 29.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 663 to Senate Bill No. 92.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS, AND NOTICES

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

Assembly Concurrent Resolution No. 30—Designating April 28, 2005, as Workers Memorial Day in Nevada.

WHEREAS, Since 1989, April 28 has been observed as Workers Memorial Day by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and the day has been recognized internationally since 1996 when a Global Union delegation lit a commemoration candle at the United Nations Headquarters in New York City to highlight the plight of workers who die, are injured or become ill on the job; and

WHEREAS, This date is significant in that it is the anniversary of the enactment of the Occupational Safety and Health Act of 1970, and trade unionists in nearly 100 countries around the world now mark April 28 as an “International Day of Mourning”; and

WHEREAS, Workers Memorial Day is not only a day on which to remember the workers who have succumbed to an occupational disease or been injured or killed on the job, but a time to renew the commitment to prevent these tragedies from occurring in the future by supporting needed protections and defending the promise of safe jobs for all workers; and

WHEREAS, The theme for Workers Memorial Day for this year is “Good Jobs, Safe Jobs: Protect Workers Now”; and

WHEREAS, Decades of struggle by workers and their unions has resulted in significant improvements in working conditions, but the toll of workplace injuries, illness and deaths remains too high, with statistics showing that in 2003 alone, more than 4.3 million workers were

injured, and 5,559 workers died as a result of job hazards and another 60,000 died from occupational diseases; and

WHEREAS, Too often these tragedies and the devastation they cause for the workers, their families and their coworkers are quickly forgotten; 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 designates April 28, 2005, as Workers Memorial Day, a day to honor and remember the workers who have succumbed to occupational diseases or been injured or killed as a result of work-related accidents; and be it further

RESOLVED, That the residents of the State of Nevada are hereby urged to observe this day by recognizing the need for strengthening safety and health protections in the workplace so that future workplace tragedies can be prevented.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblymen Koivisto, Claborn, Pierce, Ocegüera, Ohrenschall, Carpenter, and Smith.

Resolution adopted.

Assemblywoman Koivisto moved that all rules be suspended and that Assembly Concurrent Resolution No. 30 be immediately transmitted to the Senate.

Motion carried unanimously.

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 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. 34.

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 Marvel, 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, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 34—Memorializing Jackalyn Ross Laxalt, former First Lady of the State of Nevada.

WHEREAS, The members of the 73rd Session of the Nevada Legislature note with sadness the passing of Jackalyn Ross Laxalt on July 17, 2004; and

WHEREAS, A true Nevadan, Jackalyn Ross was born to Margaret Burns Ross and the Honorable John R. Ross in Yerington, Nevada, on January 31, 1927, was raised in Carson City and attended the University of Nevada, Reno; and

WHEREAS, Jackalyn married Paul Laxalt in 1946 and, 20 years later, became Nevada's First Lady when Paul was elected Governor of the state; and

WHEREAS, Along with lovingly tending their family of six children and performing all the duties expected of the Governor's wife, Jackalyn took on the daunting task of overseeing the

refurbishing and remodeling of the Governor's Mansion during the 4 years that the Laxalts, the largest family to occupy the Mansion, lived there; and

WHEREAS, After her service as Nevada's First Lady, Jackalyn Ross Laxalt spent many years working as a substance abuse counselor in Arizona and Nevada; and

WHEREAS, Jackalyn Ross Laxalt is survived by her children, Gail Laxalt Johnson of Denver, Colorado, Sheila Laxalt Lokan of Milwaukie, Oregon, John Paul Laxalt of Carson City, Michelle Laxalt of Alexandria, Virginia, Dr. Kevin Marie Laxalt of Greeley, Colorado, and Kathleen "Neena" Laxalt of Reno, 12 grandchildren, a great granddaughter and her brother, John Tom Ross of Carson City; 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 extend their condolences to the beloved family and many friends of Jackalyn Ross Laxalt; and be it further

RESOLVED, That Jackalyn Ross Laxalt will be remembered for her warmth, her sense of humor and her love of her family and Nevada, and her radiant smile will be missed by all who knew her; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the children of Jackalyn Ross Laxalt.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblyman Marvel.

Resolution adopted.

#### MOTIONS, RESOLUTIONS, AND NOTICES

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

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 3.

Bill read second time and ordered to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 701.

Amend sec. 3, page 2, by deleting lines 25 through 27 and inserting: "*company, must not exceed 25 cents each month; and*".

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

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

Senate Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 702.

Amend section 1, page 1, line 7, by deleting: "~~tax of \$6~~ fee of \$10" and inserting: "~~tax~~ fee of \$6".

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

“Sec. 2. NRS 533.438 is hereby amended to read as follows:

533.438 1. Except as otherwise provided in subsection 4, if an appropriation of groundwater pursuant to a permit to appropriate groundwater results in the transfer to and beneficial use of water in a county in this State other than the county in which the water is appropriated or in another state, the county of origin may impose a fee of ~~[\$6]~~ \$10 per acre-foot per year on the transfer.

2. A county of origin shall not impose a fee pursuant to subsection 1 without the prior approval of the State Engineer. The county of origin shall notify the State Engineer in writing of its intent to impose the fee. The State Engineer shall review the notice of intent to impose the fee to determine:

(a) Whether the appropriation of groundwater pursuant to the permit specified in subsection 1 results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state; and

(b) The amount of water, if any, that is:

(1) Subject to the proposed fee because of that transfer and beneficial use; or

(2) Not subject to the proposed fee pursuant to subsection 4.

3. Within 30 days after reviewing the notice of intent to impose the fee, the State Engineer shall send a written notice to the county of origin that includes the results of his review. If the State Engineer determines that the appropriation of groundwater pursuant to the permit results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state, the State Engineer shall include in the notice the amount of water that is subject to the proposed fee. The county may, upon such a determination, impose the fee on the transfer.

4. A fee may not be imposed pursuant to this section on water that is appropriated and beneficially used pursuant to a permit to appropriate groundwater which is issued for a point of diversion and a place of beneficial use in the county of origin and which, after the water is diverted and beneficially used, is discharged or migrates into a county in this State other than the county of origin or into another state.

5. All money collected from a fee imposed pursuant to this section must be deposited in a trust fund for the county. The principal and interest of the trust fund may be used by the county only for the purposes of economic development, health care and education.

6. For the purposes of this section, if a basin includes land lying in more than one county, each county any part of whose land is included is a county of origin to the extent of the proportionate amount of water transferred from it. The State Engineer shall determine the respective proportions.

7. As used in this section:

(a) A “basin” is one designated by the State Engineer for the purposes of chapter 534 of NRS.

(b) “Origin” means the place where water is taken from underground.”.

Amend sec. 3, page 3, by deleting line 21 and inserting:

“Sec. 4. 1. This section and sections 1 and 3 of this act become effective on July 1, 2005.

2. Section 2 of this act becomes effective on January 1, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to water; redesignating the tax that a county of origin may impose for intercounty and interstate transfers of groundwater as a fee; increasing the amount of the fee; and providing other matters properly relating thereto.”.

Assemblyman Goicoechea moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 90.

Bill read second time and ordered to third reading.

Senate Bill No. 136.

Bill read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 114:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Assembly Bill No. 114 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblywomen Leslie and Buckley.

Roll call on Assembly Bill No. 493:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Assembly Bill No. 493 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.

Bill read third time.

Remarks by Assemblymen Sibley, Buckley, and Anderson.

Roll call on Senate Bill No. 130:

YEAS—40.

NAYS—Hogan.

EXCUSED—Gansert.

Senate Bill No. 130 having received a constitutional majority,  
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 174 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. 210.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 210:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 210 having received a two-thirds majority,  
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 243:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 243 having received a constitutional majority,  
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Roll call on Senate Bill No. 250:

YEAS—40.

NAYS—Angle.

EXCUSED—Gansert.

Senate Bill No. 250 having received a two-thirds majority,  
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 408:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 408 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

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 12:13 p.m.

#### ASSEMBLY IN SESSION

At 12:14 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 203.

The following Senate amendment was read:

Amendment No. 658.

Amend the bill as a whole by deleting sec. 8 and adding:

“Sec. 8. (Deleted by amendment.)”.

Amend sec. 17, page 11, by deleting lines 12 through 23 and inserting:

“2. The provisions of section 9 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

3. Section 10 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill by deleting the fifth through the seventh lines and inserting: “unprofessional conduct; revising the provisions”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 203.

Remarks by Assemblymen Conklin, Angle, and Seale.

Motion carried by a two-thirds majority.

Bill ordered to enrollment.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 106 and 123; Senate Bills Nos. 92 and 202.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Ho.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to David Adams, Alex Carpenter, Kelly Dickerson, Jennifer Machen, Kat Newman, Ian Norman, Ivette Quintero, Weston Spann, Tiffany Thomas, Jade Diaz, and Rob VanCleve.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Vicky Thompson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Karrasch, Jonathan Javier Avila, Garnett Logan Cateil, Jason Richard Cummins, Brittany Nicole Ferris, Anna Foley, Katharine Elizabeth Griffiths, Anthony Guerra, Kevin Heckathorn, Amy Lorraine Hesselgesser, Kimberly Makayla Homen, Colton David Jeffery, Tony Eugene Jenkins, Tabitha Johnson, Kevin Ray Ohlandt, Kenneth Perry, Stephen Phillips, Lisa Michele Randall, Christopher Anthony Riddle, Kyle Nickolas Rutberg, Brandon Shane Smith, Lillian Frances Smith, Miranda Angelle Smith, Suade Strange, Meaghan Michelle Summerbell, Morgan Taylor, Victoria Jane Wagoner, Mrs. Madraso, Bryan Nick Campbell, Kelsey Tremaine Coon, Danyele Lyn Deardorff, Guardeeon Jake Erler, Jasmine ALize Evans, Coreey Allen Gray, Dylan Mykel Gray, Ashly Lyn Hill, Ashly Breanna Homen, Brady Scott Johnson, Travis Reed Johnson, Wesley Shane Kyte, Ashley Rose Ladner, Kendra Ray Lozano, Melyssa Marie Luesing, Lacie Rae McElvain, Morgan Elizabeth Olson, Naomi Lynn Orr, Mitchell Pascual, Veronica Adreana Perry, David Edward Revels, Dustin Nathaniel Smith, Mielissa Kathlen Stevens, Justin Allen Turner, Ms. Jones, Timothy Skylar Boody, Lea Michele Brown, Kyonna Yvonne Caillouette,

Dylon Miguel Chavez, Breanna Catherine Fain, Stephanie Clairce Gahr, Brandon Lee Hafferty, Julianne Rachelle Hale, Corey Lynn Haley, Christina Mae Hesselgesser, Alice Mae Horton, Joshua Deja Klockman, Chasity Renee Martinez, Brandy Nicole Mejia, Preston Micheal Moore, Edwin Enrique Navarro, Keith Perry, Christy Lynn Phipps, Rachel Estelle Smith, Kristina Faye Taylor, Kylee Miran VanGorder, Alicia Renee Vanoosbree, Paul Rodaigo Vazquez, Derek Anthony Whitten, and Kailyn Rose Zielke.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Thompson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to John Paul Laxalt, Kevin Ross Laxalt, David Ross Laxalt, Neena Laxalt, Kevan Danielle Laxalt, Joe Guild, and Billie Calvin.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 11, 2005, at 11:00 a.m. and that it do so in honor of Jack Rittenhouse.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE

*Chief Clerk of the Assembly*