

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 11, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Save this moment, O God, from being merely a gesture to custom or convenience, and make it a real experience for each one of us in this place, as we call on You for guidance and help. You have admonished us: "When you stand praying, forgive, if you have aught against any." Give us the grace to lay aside all bitterness or resentment we may be nursing in our hearts, lest their acid eat into our peace and corrode our spirits. You have said: "It is more blessed to give than to receive." Give us the grace today to think not of what we can get but of what we can give, that a new spirit may come into our work here, with a new vision and a new purpose, that You will delight and bless. These things we leave in Your hands knowing that You will give us what is best.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera 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 Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Joint Resolution No. 11 of the Seventy Second Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 26, 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 Transportation, to which was referred Senate Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

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 Assembly Concurrent Resolution No. 30.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 682 to Senate Bill No. 286.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 684 to Senate Bill No. 68.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

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

Assembly Concurrent Resolution No. 31—Recognizing May as Older Americans Month in Nevada.

WHEREAS, In 1963, President John F. Kennedy established the month of May as “Senior Citizens Month,” which was renamed “Older Americans Month” in 1980, and for the past 42 years, May has been designated as the month during which we acknowledge, as a nation, the extraordinary and varied contributions of older Americans living in the United States; and

WHEREAS, Older Americans are among our greatest treasures and provide us with invaluable links to the past as well as counsel for the future as these vital citizens continue to make significant contributions to our communities, through civic leadership and mentoring, and in our homes, by sharing their wisdom and experience; and

WHEREAS, Today, one in six Americans is 60 years of age or older and, of those 44 million people, almost 400,000 reside in Nevada; and

WHEREAS, The United States is in the midst of a boom in the aging population with people living longer and staying healthier and more active much later in life, and this expanding elder population requires our continued commitment to the goal of ensuring that our senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity; and

WHEREAS, This year marks the 40th anniversary of the passage of the Older Americans Act by the United States Congress, and the Administration on Aging, which was established by that Act, has chosen the theme “Celebrate Long-Term Living” to recognize that people are not only adding years to their lives but life to their years; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Session of the Legislature hereby recognizes May as Older Americans Month in Nevada and pays tribute to the older residents of this state for their many contributions to our country, our state, our communities and our families; and be it further

RESOLVED, That all Nevadans are urged to treat older Americans with the respect they deserve and to recognize the responsibility of each of us to ensure that our senior citizens enjoy active, productive and healthy lives as we celebrate and honor the richness and beauty of their many years lived in service to others.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblymen McClain, Carpenter, and Grady.

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

ASSEMBLYWOMAN MCCLAIN:

Thank you, Mr. Speaker. This month marks the 40th anniversary of the Older Americans Act. I would like to relate a few statistics to everybody, and it will hit home to a lot of us.

On July 1, 2004, there were 36.3 million people aged 65 and older in the United States; 4.9 million of these were age 85 and over, and almost 65,000 were over 100 years old. In Nevada, there are nearly 400,000 people 65 and over, and that age group accounts for approximately 21 percent of Nevada's population. By the year 2050, an estimated 86.7 million will be age 65 or over in the United States. This age group will comprise 21 percent of the total population at that time, which translates to a 147 percent increase in the 65 and over population between 2000 and 2050. By comparison, the population of the whole population would have increased by only 49 percent over the same period of time. As you can see, the Baby Boomers are making their impact on the nation and on our state.

A couple of tidbits on baby boomers: by 2015, all Baby Boomers will be 50 and over. The Baby Boom generation runs through births in 1964, which is including a lot of us. Every seven seconds another Baby Boomer turns 50; that is more than 12,000 people each day. In 2011, the Baby Boomer generation will begin turning 65, and by 2030, it is projected that one in five will be 65 or older. The size of the older population is projected to double over the next 30 years to 70 million by 2030. As you can see, it is appropriate that we honor these people in this category. They have given a lot to us over the years. We owe our parents and our veterans a great deal of thanks for the way that they have helped us and raised us.

I am kind of shaking right now, because we did the PEBS budget and I am so glad it is over. I think we fixed that, too, for our Medicare retirees.

In honor of Older Americans Month, and at the request of the Division on Aging, we put together this resolution.

ASSEMBLYMAN CARPENTER:

I don't know whether I am really in favor of this resolution or not. When I was 25 I thought, "Boy, those guys who are 75 are sure old." Now that I am darn near 75 I don't feel old at all, so maybe I am going make it to 100. Thank you, Mr. Speaker.

ASSEMBLYMAN GRADY:

I just really like the last part of this, and now I hope that some of us who fit this category will be treated with a little respect. Thank you.

Resolution adopted.

Assemblywoman McClain moved that all rules be suspended and that Assembly Concurrent Resolution No. 31 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly Concurrent Resolution No. 32—Memorializing Supreme Court Justice Myron E. Leavitt.

WHEREAS, On January 9, 2004, the state of Nevada lost a beloved and dedicated public servant, the legal community lost an extraordinary Supreme Court Justice and the family of Justice Myron E. Leavitt lost a great patriarch and teacher; and

WHEREAS, A native Nevadan and the youngest of three boys, Myron Leavitt was born in Las Vegas on October 27, 1930, to Myron “Mike” and Estella Leavitt; and

WHEREAS, Myron attended Las Vegas High School where he distinguished himself in academics, athletics and theater and was named the outstanding athlete of his class in 1948; and

WHEREAS, Myron continued his education at the University of Nevada, Reno, on an athletic scholarship, where he won letters in both football and track and was named sports editor of the University newspaper, the *Sagebrush*; and

WHEREAS, After graduation in 1952, Myron worked briefly for the *Las Vegas Review-Journal* as sports editor, and then enrolled in law school at the University of Utah where he received his juris doctor degree and graduated eighth in his class in 1956; and

WHEREAS, It was in Salt Lake City where Myron met his future wife, Shirley, and where they began their life as a married couple on June 10, 1954, in the Salt Lake Temple; and

WHEREAS, After his graduation from law school, Myron and Shirley returned to Las Vegas where they raised 11 children, where Myron enjoyed a rich and fulfilling career in public service that spanned 5 decades and where he realized that his greatest accomplishments were his achievements as a father, husband, mentor, athlete and coach; and

WHEREAS, Myron began his career in the legal profession in southern Nevada in 1957 as a deputy city attorney for the City of North Las Vegas and served in other nonelective positions as a member of the Clark County Juvenile Probation Committee, the attorney for the Clark County District Health Board, an original member of the Las Vegas Metropolitan Police Commission and a member of the Board of Directors of the Nevada League of Cities; and

WHEREAS, The accomplishments of Myron Leavitt during the first 2 decades of his career in public service centered around the establishment of the first medical coroner system in Clark County and the first night court for small claims during the time he served as a Las Vegas Township Justice of the Peace from 1961 to 1962, the organization of the drive to build the Dula Senior Citizen Center while he served as a Clark County Commissioner from 1971 to 1974, an effort which brought the City of Las Vegas and Clark County together to promote joint funding of the project and the construction of a sheriff’s substation in the southeastern sector of the City of Las Vegas; and

WHEREAS, During his tenure as a Las Vegas City Councilman from 1975 to 1978, and as Lieutenant Governor from 1979 to 1982, he is remembered for casting the deciding vote to break a tie retaining capital punishment and halting action to remove the Lieutenant Governor as President of the Senate; and

WHEREAS, Justice Leavitt’s years from 1984 until 1998 as a trial judge in Clark County, his term as President of the District Judges Association and two terms as Chief Judge of the Eighth Judicial District Court, and the fact that he was repeatedly ranked as one of the top judges in the Biennial Judicial Evaluation Survey were all evidence of the admiration and respect of his colleagues; and

WHEREAS, In 1998, Justice Leavitt’s political career ascended to its highest level with his election as a Justice of the Supreme Court of Nevada, a position to which he was reelected in the year 2000; and

WHEREAS, While Justice Leavitt honored Las Vegas and the State of Nevada with his commitment to public service, he was also very active in community affairs, and his dedication to and love of his community were recognized when the Justice Myron E. Leavitt Middle School in Las Vegas was named and dedicated in his honor in March 2002; and

WHEREAS, For over 35 years, Justice Leavitt was also known as “Coach” Leavitt to hundreds of young people as he dedicated much of his free time to coaching basketball, football, softball and baseball and serving as a role model for the many young people whose lives he touched; and

WHEREAS, Justice Myron E. Leavitt left behind his beautiful wife of 49 years, Shirley, whom he considered to be his best friend, life-long companion, confidant and campaign manager, six sons, Dennis, Steve, Tom, Andrew, Delbert and Jim, and five daughters, Kathy

Wright, Cindy Foote, Debbie Earl, Sue Abbatangelo and Michelle and 34 loving grandchildren; 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 extend their heartfelt sympathy to the family and friends of Justice Myron E. Leavitt, a man who will long be remembered for his professional integrity, the encouragement he offered to those who crossed his path, his dedication to public service, his passion for Nevada and the love he had for his family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Justice Leavitt's beloved wife, Shirley, and each of his children.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblywomen Ohrenschall and Buckley.

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

ASSEMBLYWOMAN OHRENSCHALL:

Today we honor in ACR 32 not only a judge, but a man of character, honesty, and dedication. In nearly five decades of public service, Myron Leavitt did just that—he served. He served the public every day, around the clock. He was concerned. There is not anyone I know of who called him who did not get a response or get an opportunity to get to speak with him. He began his public service in 1961 when he was elected Justice of the Peace in Las Vegas. From there, he continued to serve the public as a Clark County Commissioner in Las Vegas, City Councilman, Lieutenant Governor, Las Vegas District Court Judge, and Justice of the Supreme Court.

His professional accomplishments include establishing the first medical coroner system in Clark County, establishing the first night court for small claims, leading the drive to build the Dula Senior Citizen's Center, and establishing a sheriff's substation in the southeastern part of the valley in Clark County. Tributes from his friends and family reveal the personal side of Justice Myron Leavitt. A boyhood friend described him as an honest, caring young man with integrity. Others have echoed the same tributes, describing him as generous, kind, dedicated, a role model with quick wit and sense of humor, a true friend. I connect with that when I think of Myron Leavitt. I think of a wonderful friend and a wonderful neighborhood, someone who always had the time to discuss my problems, whether they were with my family or whether they concerned an upcoming election cycle. He was there to give advice and he never said no.

As for his family, I know he was a beacon for his family. He was Shirley's husband for 49 years, a father to 11 children, and a grandfather to 34. He enjoyed sports. In high school, he won the Nevada state championship in the 100- and 220-yard dashes, forever claiming he was the fastest man in the state. He was competitive, but compassionate. He continued his involvement in sports by coaching children, including his own, in Little League baseball, junior football, and Bobby Sox softball. Following his footsteps, five of his children became lawyers. He guided his family with loving advice. He advised his daughters, "Don't marry a lawyer, be a lawyer." His daughter Debbie did both. His daughter Michelle, a district judge now, sits in the district court her father had previously served in.

Myron was the greatest example in the world of helping others. When you think about the tremendous sacrifice that his own son made for him, his son was following the example his father had set. He was a loving husband, guiding father, a true steward of the community. The people he served and cared for will forever benefit from his personal and professional legacy. So will the entire state of Nevada. This legacy that began with honesty and integrity will carry on through the state, through his children, and what they are giving to the state.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I just wanted to add the rest of the Assembly's thanks to the Leavitt family. We loved Myron Leavitt. We loved what he stood for, his decision, and how much compassion he had for everyday Nevadans. The thousands of people who came to the memorial service showed how much of an impact he had on all our lives. So, we thank you for sharing Myron with us. He has left a legacy we will never forget.

Resolution adopted.

Assemblywoman Ohrenschall moved that all rules be suspended and that Assembly Concurrent Resolution No. 32 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 438.

Bill read second time.

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

Amendment No. 664.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 3, by deleting lines 28 through 39 and inserting:

“(b) For those persons who retire on or after January 1, 1994, with at least 5 years of ~~[state service]~~ *service credit with the State or a local government, or both*, 25 percent plus an additional 7.5 percent for each year of ~~[state]~~ *such service credit* in excess of 5 years to a maximum of 137.5 percent, excluding service purchased pursuant to NRS 1A.310 or 286.300, of the base amount provided by law for that fiscal year.

If the person had service credit with more than one public employer, the amount calculated pursuant to this subsection must be divided among all public employers with which the person had service credit, in the proportion that the service credit of the person with each public employer bears to the total service credit of the person with all public employers.”.

Amend sec. 2, page 4, by deleting lines 1 through 3 and inserting:

“(a) ~~[Credit for service]~~ *Service credit* must be calculated in the manner provided by chapter 286 of NRS.

(b) ~~[No]~~ *In calculating the percentage of the base amount to be paid, no proration may be made for a partial year of ~~[state service]~~ service credit.”.*

Amend sec. 3, page 4, by deleting lines 18 through 21 and inserting: “paragraph (b) of subsection 2 of NRS 287.046 decreased during Fiscal Year 2004-2005,

for any increased amount that the participant was required to pay for coverage during that period as a result of the decrease in his subsidy.”.

Amend the title of the bill, fifth line, after “retirement;” by inserting: “requiring the Public Employees’ Benefits Program to reimburse certain retired participants for increased amounts paid for coverage under the Program during Fiscal Year 2004-2005 in certain circumstances;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 16.

Bill read second time and ordered to third reading.

Senate Bill No. 21.

Bill read second time and ordered to third reading.

Senate Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 691.

Amend section 1, page 3, line 7, by deleting “50” and inserting “70”.

Amend section 1, page 3, by deleting lines 9 through 11 and inserting:
“allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month.”.

Amend section 1, page 4, by deleting lines 6 through 22 and inserting:

“8. As used in this section:”.

Amend sec. 2, pages 5 and 6, by deleting lines 42 through 44 on page 5 and lines 1 through 3 on page 6, and inserting: *“submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; and”.*

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. The report submitted to the Legislature by the Court Administrator in 2007 and 2009 pursuant to subsection 13 of NRS 1.360, as amended by this act, must include information concerning the effectiveness of biweekly counseling sessions and the effect, if any, of participating in biweekly counseling sessions on recidivism of offenders.

Sec. 4. On or before February 15, 2009, the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature a written report concerning the efforts and progress made by the Division in certifying programs for the treatment of persons who commit domestic violence provided by rural mental health clinics.”.

Amend sec. 3, page 6, by deleting line 6 and inserting:

“Sec. 5. 1. This act becomes effective on July 1, 2005.

2. The amendatory provisions of section 1 of this act expire by limitation on June 30, 2009.”.

Amend the title of the bill to read as follows:

“AN ACT relating to domestic violence; authorizing a court to order a person convicted of domestic violence to participate in counseling sessions on a biweekly basis in certain circumstances; requiring the Court Administrator to submit reports to the Legislature concerning the effectiveness of court-ordered participation in programs for the treatment of persons who commit domestic violence; requiring the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources to report to the Legislature concerning certification of such programs in rural mental health clinics; and providing other matters properly relating thereto.”.

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. 263.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 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. 36.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 37.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Coffin, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Giunchigliani, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, 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. 36—Memorializing former Assemblywoman Eileen Brookman.

WHEREAS, All Nevadans were deeply grieved at the passing of former Nevada Assemblywoman Eileen Brookman, who died in her home in Las Vegas on July 1, 2004, after a battle with cancer; and

WHEREAS, Eileen Milstein was born on October 25, 1921, in Denver, Colorado, and attended Eagle Rock High School in Los Angeles, California, and Los Angeles City College; and

WHEREAS, Eileen married George Brookman on July 11, 1941, while he was in the Army, and after the birth of their two children, the family moved to Las Vegas, where George became a general contractor and Eileen entered the political arena; and

WHEREAS, In 1966, Eileen Brookman was elected to the first of eight terms in the Nevada Assembly, serving in each legislative session from 1967 through 1977 as well as in the 1987 and 1989 Sessions; and

WHEREAS, Eileen Brookman truly earned the appellation “the embodiment of a citizen Legislator” as, in her own words, she fought for “the little people” by advocating for senior citizens, persons with disabilities, minorities, persons with low incomes, women, who were not as well-represented in the Legislature as they are now, and children; and

WHEREAS, “Queenie,” as she was fondly nicknamed by those who admired her, was a sponsor of such legislative milestones as the reorganization of the Nevada National Guard and adoption of the Nevada Code of Military Justice, creation of the Aging Services Division of the Department of Human Resources, prohibition of discrimination in private employment on the basis of age, entitlement of senior citizens to vote by absent ballot, passage of the “hate crimes” bill for Nevada and creation of the Governor’s Advisory Council on Education Relating to the Holocaust; and

WHEREAS, Eileen Brookman’s dedicated service to the people of this state was demonstrated by her participation on many different committees in the Assembly, and by her service as Chair of the Assembly Committee on Federal, Indian and Military Affairs and the Assembly Committee on Legislative Functions; and

WHEREAS, Many former colleagues warmly remember Eileen as a mentor, mother, sister, nurse and friend around whose desk they often gathered for practical assistance or nurturing; and

WHEREAS, Eileen Brookman’s service to our State was not only in the Legislature but also consisted of her participation in the Indian Affairs Commission, the Las Vegas Ethics Review Board and numerous other civic organizations, as well as her chairmanship of the Taxicab Authority of the Department of Business and Industry; and

WHEREAS, Many honors have been bestowed upon this dynamic woman including Woman of the Year for Clark County, Humanitarian Mother of the Year Award for Clark County, the Nevada Distinguished Citizen Award from the Board of Regents of the University of Nevada, and the Brotherhood Award of the National Conference of Christians and Jews; and

WHEREAS, Eileen was not only dedicated to serving the people of Nevada but also recognized the priorities of being a wife and mother; 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 offer their sincerest condolences and heartfelt sympathy to the family and many friends of Eileen Brookman, a dedicated, energetic, caring woman who fought for the rights of those who most needed a voice; and be it further

RESOLVED, That the rich legacy left by Eileen Brookman lives on in her family, the changes that she instituted through legislation as an Assemblywoman in Nevada, the elementary school in Las Vegas that is named in her honor and the hearts of all those who knew and appreciated her; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to George Brookman, Eileen’s husband of 62 years, and to her daughter, Deborah.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Arberry.

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

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. This resolution does not really capture the individual who was described. For those of you who did not know Eileen Brookman, she was feisty, kind, compassionate, said it just the way she felt it, and was just a tremendous asset to this state.

Unfortunately, the last paragraph here, we cannot forward it to George because we lost George three weeks ago, unfortunately. So Deborah is the family member who is left, and I will take this down to her.

A little bit about Eileen: Besides what was in here, she was my mentor. When she decided, after Michael, her son, was declared having to have a heart transplant, she made the decision to not seek reelection, even though she had already filed. She called me and said, "Listen, you've been going door to door for me, more than I have. I think it is time for you to run for office." She gave me all the support and encouragement. I was privileged to follow a very strong woman who did all the things that were talked about here, and more. Too often we forget that there are pioneers, no matter what. You have to break certain barriers that come about. I still remember Eileen telling me this story. I think at the time Senator Jacobsen was Speaker, and he refused to allow her on the floor because she had pants on. She said, "Listen, my husband doesn't tell me what to wear; you're not going to tell me what to wear." She led a protest, and the women began to be able to wear pantsuits. And that was not that long ago. That was in the 1960s, as far as that was concerned.

Another one that she gets tagged with that we laugh about, but which is absolutely key, is that we do not pay to go to the bathroom in the state of Nevada. There had been a piece of legislation that had passed one year that you had to pay in public restrooms. Eileen had landed at the airport and was in the restroom talking to a mom with two kids who was pregnant. The kids were scared and the mom was telling them to crawl under the door because she did not have any change. The little girl was crying. And the mother said she could not get under the door. Eileen said, "Oh, my god." She got the door open for the woman, but she came back after that weekend and introduced a bill to repeal the law that made you pay in public restrooms. You do not pay in public restrooms anymore. She said, "How can you do that to a family?" It kind of just woke her up, and she said, "Oh my heavens. Look at what we did that we thought didn't have any impact." They repealed that.

Those are the type of things that affect lives every day, that we sometimes forget, that we all do. All of you in here do those little things that make a difference in someone's life. Eileen Brookman did that. She became a dear, dear friend. I had gone to her bedside within a week of her passing, actually. We were sitting there and Carolyn O'Callaghan was lying on the bed and Brian came in. It was just kind of everyone chatting away and talking. George was hanging in there and he was not feeling real well himself. Eileen was still, "Hey, where's my lavender pillow?" "What lavender pillow?" She would say, "Didn't I call you and tell you to go and buy me one?" Eileen was famous for that. She said say, "Oh, you're going to the grocery store? While you're going, buy me some bananas and drop them by." That was Eileen Brookman. She always did that. And everyone would do that for her. You didn't even question it when you got the phone message.

That day, Eileen was just reminiscing about life with the O'Callaghans. She and George really were the O'Callaghans' neighbors, best friends, and I think allowed Mike O'Callaghan to be as successful as he was because they took the family into their home when he was Governor, because he did not have enough money for housing at that time. They put them up. People do not realize how much support the Brookmans actually gave to the O'Callaghans. Their closeness was just incredible.

Finally, the pleasure and opportunity that I had to meet her was greatly felt. She never left this Body. She watched everything that was going on. During the second special session last session, I came into my office. It had been a grinding day. We all know what that was like. And I found a phone message and it just said, "Chris, hang in there. You're doing the right thing." That is the type of person she was. I honor her. She was thrilled to have a school named after her. We were just as excited in the neighborhood to put that together for her. Her legacy will live on in that way. Eileen Brookman was truly a queen, in her own little way.

ASSEMBLYMAN ARBERRY:

I just wanted to say a few words to this Body about Eileen Brookman. I had the honor to serve with her for quite a few sessions. She used to sit on the left side, third seat. Before we all had this modern technology, when you needed to get the Speaker's attention, you had to hold your microphone up in the air. As you know, Eileen was a very little lady, and one day

Mr. Speaker did not see her and did not recognize her, so Mrs. Brookman got on the top of her desk and yelled at the Speaker, and said, "Mr. Speaker, Mr. Speaker, you better let me speak." I tell you, she was always a little character.

I will share a couple of more things before I sit down, Mr. Speaker. When we were trying to get the Martin Luther King holiday approved for this state, Eileen Brookman saw Senator Raggio coming down the hall. She saw him, walked up to him, fell down on her knees and said, "Senator, would you please, please, when the bill comes over from our House, pass the bill on the Dr. Martin Luther King holiday." He was so moved, as you see, it is a holiday today.

The last thing, Mr. Speaker. As a new person chairing the committee on Health and Human Services back in the day, Eileen Brookman was on my committee. Back then you were allowed to smoke in the Chambers and in the committee rooms. Well, I did not smoke. That was before the cigars. But I did not smoke. I was sitting in committee and I was the only committee chair that did not allow smoking in the committee hearing room. Well, Mrs. Brookman was a strong smoker, worse than Marvin Sedway. So, one day, I was sitting in a hearing, and Mrs. Brookman got up and walked out to the audience and fired up a cigarette. She looked at me and said, "Mr. Chairman, I don't care what you say, I'm smoking." I said, "Mrs. Brookman, put that cigarette out. Put that cigarette out." She did not put the cigarette out. I adjourned the meeting. That is how feisty she was.

She was a great, great lady. When she had a belief, she fought it to the end. I will always miss her because I was one of her little babies even though I am what I am. She will always be missed. I have a lot of respect for her and just wanted to share this with this Body. There were fun times here and some great things, and she was part of that.

Resolution adopted.

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 Grady, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegura, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 37—Congratulating the Virginia City High School boys' basketball team for winning the 2005 Nevada Interscholastic Activities Association 1A State Basketball Championship.

WHEREAS, Excitement and tension were at their peak on Saturday, February 26, 2005, as Mich McDowell of the Virginia City Muckers made the game-winning shot in the last 5 seconds of play to lift the Muckers to a 63 to 61 victory over the Lake Mead Eagles in the Nevada Interscholastic Activities Association (NIAA) 1A boys state basketball championship game at the Orleans Arena in Las Vegas; and

WHEREAS, Virginia City has a strong tradition of basketball, and teams through the years have won 17 state titles, by far the most in the history of Nevada, with 6 state titles between 1962 and 1967, and an amazing winning streak of 93 games and five state championships between 1982 and 1986; and

WHEREAS, Individual members of this year's winning team were presented with awards for First Team All-Division, Second Team All-Division and Honorable Mention, as well as two sportsmanship awards; and

WHEREAS, The championship team, consisting of Nathan Adaki, Cory Dacha, Zack Dotson, Miles Lugo, Kevin Lynch, Mich McDowell, Chad Sprong, Sam Turman and Andy Wilson, not only proved its excellence on the basketball court, but also won the 1A State Academic title with a 3.72 team grade point average; and

WHEREAS, The Muckers have consistently been supported, inspired and cheered on by the people of the historic mining town of Virginia City and, with the aid of manager Skyler Jones, were led to this year's victory by Coach Hector Bucchianeri, who was awarded Coach of the Year, and Assistant Coach, Deny Dotson; 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 extend their congratulations to the Virginia City High School boys' basketball team for winning the NIAA 1A State Basketball Championship; and be it further

RESOLVED, That the achievements of the members of the Muckers basketball team in the areas of academics and athletics are recognized as an example for their schoolmates and all young people of Nevada as they strive for excellence in their lives; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Todd Hess, Principal and Athletic Director of Virginia City High School, and to Coach Hector Bucchianeri.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady, Anderson, and Hardy.

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

ASSEMBLYMAN GRADY:

As stated in the Resolution, there is a rich history and pride on the Comstock for high school basketball. These young men were not born when the last state title game came to the Comstock. The tradition of state championship is not only dreamed of in Virginia City, it is expected. Back in the days of the great Jake Lawlor and Hugh Gallagher Sr. and winning streaks of 93 games, 55 games, 45 games, are past legends that these young men hear about all year long. Family names like Coach Lyle Damon, the Andreasens, the Gallaghers, the Gladdings, the Hesses, and the McBrides, have all brought pride to the Comstock during these past 17 state championships.

When Fred Gladding was coach, there was a 93-game winning streak, and the now-principal, Todd Hess, was part of the long tradition. All 17 autographed basketballs on the shelf at the Ponderosa are now joined by number 18. As important as bringing the state championship trophy home is the fact that this team also won the 1A state academic title with a 3.72 grade point average.

Mr. Speaker, I had the pleasure and the honor to referee some of those earlier games in history-making places, like the Gabbs Tarantulas, the Fernley Vaqueros, the Smith Valley Bulldogs, and many others, and I can tell you, whenever you went to a Virginia City game, there was a very high intensity, but these young men were always taught that they had to be gentlemen, because they not only represented their team, their school, and their city, most importantly, they represented their families. It is truly my honor to welcome the team here today for this Resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

I wish to rise in support of the Resolution. Clearly the long tradition of the Muckers is one that anyone who lives here in the northern part of the state has had an opportunity to observe. I am always thankful that they are in the 1A so that I don't have to worry about my Raiders at Reed having to face the onslaught of the backboard from such a distinguished team. The Railroaders at Sparks are happy that you are not in their league, and I know the Hawks at Hug are equally concerned. We are happy that you are in the 1A and we hope you stay there because, like the Hoosiers from Indiana, we know you are capable of taking the State. I rise in support of the Virginia City Muckers.

ASSEMBLYMAN HARDY:

Likewise, I rise in support of SCR 37. I grew up in the Reno area during the legend of Virginia City High School basketball. One of the highlights of my life, in basketball, was when the Virginia City Muckers came to Sparks High School and taught us how to play basketball. They did not do it during a game, they did it during practice. I was always grateful that they never played us, but I was thrilled that they always beat Reno High and the other high schools

that liked to try and beat us, too. It is an honor to be in this Body and be able to recognize such a tradition of truly the best sport in the world.

Resolution adopted.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 3, 30, 35, 90, 136, 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 311 just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 43, 198, 199, 201, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 203 and 234; Assembly Concurrent Resolution No. 29; Senate Bills Nos. 164, 257, 266, 278, and 286; Senate Concurrent Resolutions Nos. 32 and 33.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Griffin Lerude, Stephanie Lerude, Sheri Boyden, and Zachary Boyden.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Chiappini, Candice Millar, Jacqueline Finney, Jonathan Pitts, Amy Pescio, Nicole Pintar, Seth Almberg, Lauren Yourdon, Jacob Bybee, Leslie Cardinal, Shevon Hernandez, Kate Hutchinson, Sheryl Libbee, Raeann Lilly, Christina Loghry, Misti Mocaby, Jamie Muir, Caitlin Summers, Thomas Tracy, Tracy Wise, Kevin Brown, Tyson Gardner, Clinton Henriod, Jenna Holmes, Ember Jordan, Amanda Evers, Noe Perez, Matthew Tilby, and Christopher Vaughn.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Lynch, Chad Sprong, Zack Dotson, Mich McDowell, Cory Dacha, Miles Lugo, Andy Wilson, Sam Turman, Nathan Adaki, Skyler Jones, Hector Bucchianeri, Deny Dotson, and Todd Hess.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Abercrombie, Kaleb T. Bailey, Kimberly Baily, Bailey Barker, William Barth, Joseph Kyle Butler, Alissa Caresse Clarke, Jacob Milo Cook, Austin Taiyo Donnelly, Brock Henry Esplin, Jason Faircloth, Lorraine Faircloth, Mary Clarke, Troy Cook, Daniel J. Henderson, Bunny A. Henderson, Tanner Fenton Imlay, Darin Fenton Imlay, Blake Jacobs, Maria Jacobs, Garrett L. Lockhart, Eric L. Lockhart, Midori Francesca Molina, Tino Michael Ragone, Nadine Chandler Cloud, Willie Reyes Jr., Brianna Saenz, Jessica Saenz, Gabriel Dean Vasquez, Michelle Camara-Vasquez, Crystal Weaver, Shaun Fleming, Keane Foster, Mary Frantz, Mindy Gubler, Pamela Honey, Darlene Krause, Charles Nicks, Scott Murray, Joan Purdy, Christina Robertson, Robin Lee, Pam Donahue, Amber Eccles, Corbett Fleming, Brandon Foster, Avalon Frantz, Andrew Gubler, Megan Gudmundsen, Brent Hickey, Jordan Honey, Martin Hudson, Alyssa Krause, Zachary Lee, Lauren Miller, Ronald Mortensen, Logan Moser, Shaun Murray, Megan Purdy, Shelby Riggs, James Smith, Benjamin Trujillo, Brittney Yeazle, Kimberly Bailey, and Josh Newkirk.

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

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Rice.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Wanda Brown and Connie McMullen.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Leavitt and Michelle Leavitt.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Hess.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, May 12, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly