

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 27, 2013

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

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Bob Chambers.

Almighty God,

The Psalmist said, "Oh our Lord, how majestic is Your name in all the earth. You have set Your glory above the heavens." In Your divine majesty, You have made us, each and every one, an image of You. You have endowed us with gifts, talents, and abilities. Help us to use these with the compassion and fairness that You have shown to us. May we humbly accept Your guidance this day.

In the Name of Him who continues to love us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne 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.

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510

February 26, 2013

THE HONORABLE MARILYN KIRKPATRICK, Nevada State Assembly, Legislative Building,
Carson City, Nevada 89701

DEAR SPEAKER KIRKPATRICK,

This letter serves as a formal request to address the joint session of the Nevada Legislature on Thursday, March 28, at 5 p.m. PT. It is my understanding that this date and time are available. Should you have any questions or comments, please contact Ashley Carrigan, my state director, at 775.686.5770.

I thank you in advance for this opportunity.

Sincerely,
DEAN HELLER
U.S. Senator

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 27, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 173.

MARK KRMPOTIC
Fiscal Analysis Division

February 27, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 3, 21, 22, 26, 30, 31, 36, 44, 50, 52, 56, 63, 83, 84, 89, 92, 95, 96 and 99.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carrillo, Eisen, Hansen, and Munford:

Assembly Bill No. 176—AN ACT relating to the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 177—AN ACT relating to motor vehicles; revising provisions relating to the use of safety belts in taxicabs; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hickey and Senator Brower:

Assembly Bill No. 178—AN ACT relating to campaign practices; requiring certain persons who do not file declarations of candidacy, acceptances of candidacy or appear on an election ballot within a certain period to dispose of unspent contributions; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Oscarson, Hickey, Ellison, Elliot Anderson, Bobzien, Bustamante Adams, Daly, Eisen, Grady, Healey, Kirkpatrick, Kirner, Livermore, Martin, Neal, Swank, Wheeler, and Woodbury; Senators Cegavske and Goicoechea:

Assembly Bill No. 179—AN ACT relating to audits; revising requirements for certain regulatory boards of this State to prepare a balance sheet and hire a public accountant or accounting firm to conduct an audit of the board for a fiscal year; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 180—AN ACT relating to estates; providing that a dependent adult child of a decedent is eligible to receive from the decedent's estate certain support for family members; and providing other matters properly relating thereto.

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

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Hansen requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, M. Esther Chalmers-Council, having lived a full life to the age of 99, passed away on February 4, 2013, and she will be greatly missed by family and friends; and

WHEREAS, Esther was born July 1, 1913, in Garrison, North Dakota, and after graduating from Garrison High School in 1930, with \$30 in her pocket, she and a friend hitchhiked to Minneapolis to enter the nursing program at the University of Minnesota; and

WHEREAS, After completing her nursing studies and while working at the University Hospital in Minneapolis, Esther met her first love, C. Oden Chalmers, and they traveled to California to marry and settle there; and

WHEREAS, In 1959, Esther moved to Reno with her husband to accept a position with Washoe Medical Center (now called Renown Regional Medical Center) to teach practical nursing. Later in the early 1970s when the community college system was formed, Esther was transferred to the University of Nevada system, and after teaching 19 years, she was the first retiree of that system; and

WHEREAS, After retirement, Esther and Oden spent time with friends, traveled, gardened, and enjoyed life together until he passed away in 1987. Although greatly saddened by his death, Esther was comforted by close friends and family and continued to enjoy life to the fullest; and

WHEREAS, To her joy, in September 1989, Esther met her second husband, John "Red" Council, and experienced a whirlwind courtship at age 76, marrying three months later, and enjoyed nine wonderful years together before Red passed away; and

WHEREAS, Esther's lifelong commitment to teach nursing began with her first class at Washoe Western School of Practical Nursing in 1960, and during the course of her career, her students, which numbered in the hundreds, have influenced thousands over time; and

WHEREAS, Esther was well-known and very active in the nursing field in Reno, and many of her former colleagues and students remember her professionalism, high standards, and positive influence on students' nursing careers; and

WHEREAS, Esther is survived by many relatives, friends, and others who will dearly miss her; now, therefore, be it

PROCLAIMED, That it is especially befitting on Nurses Day at the Legislature to recognize M. Esther Chalmers-Council for her vitality and long life and express sincerest thanks and appreciation for her many years of worthy service in the nursing and teaching fields; and be it further

PROCLAIMED, That the State of Nevada and its citizens offer their heartfelt sympathy to the family and friends of M. Esther Chalmers-Council, a woman who touched the lives of many and who will be greatly missed.

DATED this 27th day of February, 2013.

IRA HANSEN
Nevada State Assemblyman

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

ASSEMBLYMAN HANSEN:

Mrs. Chalmers-Council has quite a following here today. I would like them all to stand so we can recognize them for their friendship with her. I would also like to give a copy of the Proclamation to Maya Marie Cooney, who was a close friend of Mrs. Chalmers-Council for many years. Madge, on behalf of the state of Nevada, I would like to give recognition to Esther Chalmers-Council and to all of her friends.

Madam Speaker, we did leave out one person I would also like to recognize. Before I do so, I would like to state that my daughter, Sarah, is a recent graduate of the University of Southern Nevada, School of Nursing. She is now an RN. My daughter-in-law, Ali Hansen, is also an RN and is currently working on her practical nursing degree.

One person I would like to single out, though, started her nursing career at the age of 12 at Washoe Medical Center as a candy striper in 1956. She then went on to graduate from the Washoe Western School of Practical Nursing at Washoe Medical Center in 1962, where Mrs. Chalmers-Council was her instructor. She then received her associate's degree in 1975 from what is now Truckee Meadows Community College, where she received the highest grade in the state on the Nursing Board's exam. This person then graduated in 1994 from UNR's Orvis School of Nursing with a bachelor's degree. She was named the top senior scholar in 1994. The top in the class! She worked at Washoe Medical Center from 1962 to 1977, and then worked at St. Mary's from 1977 to the present. During her career, she was a supervisor, floor nurse, and lactation consultant, and is currently teaching for the nursing program at Truckee Meadows Community College. She has approximately 130 students and has graduated over 300 students.

She also has 7 great grandchildren, 46 grandchildren, and 8 children. I would like to introduce my mother, Sharon Hansen. Please give her a warm welcome.

Way to go, Mom.

Thank you.

Assemblyman Frierson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, on October 31, 1864, Nevada was admitted as the 36th state in the Union; and

WHEREAS, Section 17 of the Nevada Constitution strongly provides that “Neither slavery nor involuntary servitude unless for the punishment of crimes shall ever be tolerated in this state”; and

WHEREAS, the Great State of Nevada was the fifteenth state to ratify both the Thirteenth and Fourteenth Amendments to the U.S. Constitution, and on March 1, 1869, was the first state to ratify the Fifteenth Amendment which provides that “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude”; and

WHEREAS, in 1865 the African-American citizens of Virginia City, Gold Hill, and Silver City, Nevada, formed the Nevada Executive Committee to “petition the next Legislature for the Rights of Suffrage and Equal Rights before the Law to all Colored Citizens of the State of Nevada” and named Dr. W. H. C. Stephenson of Virginia City as its chair; and

WHEREAS, Dr. Stephenson, one of Nevada’s first civil rights leaders, petitioned the 1866 Legislature requesting “Colored people be allowed to testify in civil cases” and have access to public schools; and

WHEREAS, Black History Month began as part of an initiative by writer and educator Dr. Carter G. Woodson, who launched Negro History Week in 1926; and

WHEREAS, over the ensuing years and the struggle for civil rights in Nevada, Governor Grant Sawyer signed a proclamation originating Black History Week in 1959, which became Black History Month in 1976; and

WHEREAS, the Nevada Equal Rights Act of 1961 established that all citizens would be treated equally in education, housing, employment, and daily life; and

WHEREAS, in 1966, Woodrow Wilson was elected as an Assemblyman from Clark County, the first African-American elected to the Nevada Legislature; and

WHEREAS, for 46 years the proud legacy of public service by members of the African-American community has continued with the election to both the Assembly and Senate individuals whose courage and dedication have assisted in our state’s success and prosperity;

NOW, THEREFORE, we proudly recognize and honor those African-American legislators, past and present, who have provided leadership and demonstrated their commitment to building a better future for all Nevadans:

Assemblyman Woodrow Wilson (1966-1972)
 Assemblyman Rev. Marion D. Bennett (1972-1982)
 Assemblyman Cranford L. Crawford (1972-1974)
 Senator Joseph M. Neal (1972-2004)
 Assemblyman Lonie Chaney (1974-1984)
 Assemblyman Eugene Collins (1982-1986)
 Assemblyman Morse Arberry Jr. (1984-2010)
 Assemblyman Wendell P. Williams (1986-2004)
 Assemblyman Thomas Batten (1994-1996)
 Senator Bernice Mathews (1994-2010)
 Senator Maurice E. Washington (1994-2010)
 Assemblyman Kelvin D. Atkinson (2002-2012) and Senate (2012-current)
 Assemblyman William C. Horne (2002-current)
 Assemblyman Harvey J. Munford (2004-current)
 Senator Steven A. Horsford (2004-2012)
 Assemblyman Steven J. Brooks (2010-current)

Assemblyman Jason M. Frierson (2010-current)
 Assemblywoman Dina Neal (2010-current)
 Senator Aaron D. Ford (2012-current)
 Senator Patricia Spearman (2012-current)

DATED this 27th day of February, 2013.

SENATOR MOISES DENIS
Majority Leader, Nevada State Senate

ASSEMBLYWOMAN MARILYN KIRKPATRICK
Speaker, Nevada State Assembly

SENATOR KELVIN ATKINSON
Nevada State Senate

ASSEMBLYMAN JASON M. FRIERSON
*Assistant Majority Leader
 Nevada State Assembly*

Assemblyman Frierson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FRIERSON:

I am humbled today to be able to acknowledge Black History Month and to pay homage to those who came before us, from 1966 through today, to provide an opportunity for those of us who are serving, reflecting the various aspects of Nevada's communities. I think it's telling that we have had so many legislators since 1966, both from southern as well as northern Nevada, and I think that it reflects the true spirit of our Legislature.

I certainly appreciate those who I had gotten to know before I ever thought about running for office. I attended hearings to name a school after Senator Bernice Martin Mathews. I went to college and served as an advisor for Senator Maurice Washington's oldest child. Of course, I went to law school with my colleague from Assembly District 34. I sought out tutelage from my colleague from Assembly District 7, and I joined the Legislature with my colleague from Assembly District 6. I believe that Assemblyman Wendell Williams was able to pass racial profiling legislation. I sent him a letter from law school regarding a law review article.

I am honored to be here and privileged to have been part of that legacy, and I think that the face of our Legislature, in reflecting the diversity of our state, is certainly a reflection of those who came before us. I thank you all for joining me in honoring Black History Month and those legislators that came before us, as well as those who are serving today. Thank you very much.

ASSEMBLYMAN HORNE:

I, too, am honored, by this proclamation today. But I first want to say that after looking at those pictures, we need to bring the 'fro back. I think we can work that out by the end of session.

It is truly an honor to serve here. Looking at those pictures, and myself having grown up in Las Vegas on the west side, who didn't know Senator Neal at that time? Assemblyman Morse Arberry and I have roots to Western High School. You saw Reverend Bennett; and his daughter currently serves on the bench in Las Vegas, and I've appeared before her a number of times. As the Assistant Majority Leader stated, he and I not only attended law school together, but we served on the law school's student government together. Now we get to serve together in this legislative body.

I'm proud to say that I'm amongst those pictures up there, and I look forward to more people of color serving in this legislative body. It brings a unique tapestry of experience that Nevada is only going to be better for. Hopefully, one day a lot of you will see my kids grow up since I've been here. And that's really neat; I've had nieces and nephews come through and point out to their friends on their field trips pictures of their uncle, and I think that's a good thing. We're building our history and another line in Nevada. Thank you.

ASSEMBLYWOMAN NEAL:

I just wanted to make a statement. It has been an interesting saga for me. I'm honored that I've been elected and that my father came before me and he served.

It's important to recognize the contributions of African-American men and women. As you can see from the display, African-American men dominate, but women are making our way through. It is very important to understand that we share a common destiny in the development of public policy and that we cannot stand alone. Our diversity in thought must be cherished and it must be used. Furthermore, the destiny of this state and the social and economic welfare of the African-American and Latino community are linked, not only in this nation, but in the state of Nevada. I hope that as we move forward in the celebration of the African-American history month, we remember that people of color have a lot to offer and a lot to say in terms of public policy in this state. Thank you.

ASSEMBLYMAN MUNFORD:

I stand here as one of the senior members of the Assembly from West Las Vegas. Most of the early representatives were from West Las Vegas—all of them going back to 1966—and that's exactly when I arrived in West Las Vegas. I voted for Woodrow Wilson and I voted for Dina Neal's father, Joe Neal. That is when we first began to realize we had representation, not only in the Assembly but in the Senate. We felt at that time, in West Las Vegas, that we were really going to go forward and things were really going to happen. Some things did happen, and it's because of the efforts of some of those early representatives to the Legislature. Our community has made some improvements. We have elevated ourselves, and things have happened—positive things—but we are looking for more things to happen. We discussed that today in my committee with the Las Vegas representatives here today, including the mayor.

As I say, we're looking at the future now, and I hope that we'll continue to work together in a collaborative effort to try to make things better for not only West Las Vegas, but for all of us and the state of Nevada. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Pontius.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Diane McGinnis.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Dorsey.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Susanne Byrne, Alix Goddard, and Melody Mericle.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Wilson and Lindsay Eaton.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Lamprecht.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Curley.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Derek Drake.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Fries, Melissa Washabaugh, Melissa Gonzalez, Sharon Hansen, Madge Cooney, and Mimi Moser.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Aubrey Murrell, Casidy Hansen, and Jakob Newton.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Flaviano Gonzalez-Juarez.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Miner, M.B. Hodgkiss, and Jessica Wenzell.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Betsey Fretwell and Carolyn Goodman.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Amie Ruckman and Danielle Barcia.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Razor.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Franklin Akioyame.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Glassco.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Tanya Avery.

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

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Rah Abdullah and Linda Wilcox.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Daphne Girod, Kara Cole, Carol Swanson, and Carla Brutico.

Assemblyman Horne moved that the Assembly adjourn until Friday, March 1, 2013, at 11 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly