

THE SECOND DAY

CARSON CITY (Tuesday), February 6, 2007

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Lord, as we gather for this 74th Legislative Session, we bow our hearts and respond to You, as King Solomon did when You asked him to ask of You, “What shall I give you?” We say, “Give to us, Your servants, an understanding heart to judge Your people, that we may discern between good and evil. For who is able to judge this great people of Yours?”

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera 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

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

February 5, 2007

TO: THE NEVADA STATE ASSEMBLY

It gives me great pleasure to join with the citizens of Carson City to extend to you and all of the members of the Nevada State Legislature our official greetings and warm welcome as we prepare for the start of the 2007 Legislative Session.

Our community, like so many areas of Nevada, is rich in history and famous for its colorful past. However, Carson City is unique. No other community in our state can boast the prestigious title of “Capital City.” This is a designation of which we are very proud. Whether you are a first-time legislator or a veteran who has first-hand knowledge of Carson City’s distinctive qualities, we hope our “down home, Nevada-style” hospitality will impress you.

We would like to invite you to attend a reception co-hosted by Douglas County, Lyon County, Storey County, and Carson City on Tuesday, February 6, 2007, at the Carson City Nugget, 507 North Carson Street, between 5:30—8:00 p.m. We hope to welcome you to Carson City, provide an opportunity to introduce you to other elected officials, and highlight several displays which demonstrate our regional pride.

Again, it is our pleasure to have you in our community, and we look forward to seeing you on Tuesday, February 6th. If there is any way we may be of assistance to you, please do not hesitate to call on me or any member of our city’s staff. Best wishes for a successful session and thank you for allowing us to be your host these next few months.

Sincerely,
MARV TEIXEIRA
Mayor

JOURNAL OF THE ASSEMBLY

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 6, 2007

SUSAN FURLONG REIL, *Chief Clerk of the Assembly*
401 S. Carson Street
Carson City, Nevada 89701-4747

DEAR MS. FURLONG REIL:

This letter is in acknowledgement of the transfer of Assembly Joint Resolution No. 1 (of the 22nd Special Session). The enclosed, engrossed, and enrolled copies of Assembly Joint Resolution No. 1 are being transferred to the 74th Legislative Session pursuant to NRS 218.430(2).

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,
ROSS MILLER
Secretary of State

By: KRISTI D. GEISER, CERA
Program Officer III

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 2007

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. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee of the Whole:

Assembly Joint Resolution No. 1 of the 22nd Special Session—Proposing to amend the Nevada Constitution to revise the provisions governing a petition for initiative or referendum.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire State. ***The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this Section.*** The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date

as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters *from each congressional district in this State* equal to 10 percent or more of the number of voters who voted at the last preceding general election in ~~[not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.]~~ *the congressional district. The number of registered voters required to file the initiative petition must be determined at the time the copy of the initiative petition is filed with the Secretary of State pursuant to this Section.*

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the

Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Ocegueda moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 77—AN ACT relating to criminal procedure; revising provisions for determining whether a defendant is competent to stand trial or be punished for a criminal offense; requiring all other departments of the court which has suspended a trial to determine competency of a defendant to suspend any other proceedings related to the defendant; reducing the time by

which a court must determine competency when a trial is not requested; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that HUMBOLDT SUN: Forrest Newton; KNPB-TV Channel 5: Andrew Cristancho, Dave Santina; KOLO-TV: Ray Kinney, Ed Pearce; KRNv-TV NEWS 4: Hetty Chang, Jeff Deitch; KTVN-TV: Bill Brown, Brandon Rittiman, Louis Sierra; NEWS TALK 780 KOH: Samantha Stone; PBS LAS VEGAS: Samantha Stone; RENO GAZETTE-JOURNAL: Martha Bellisle; TAHOE DAILY TRIBUNE: William Ferchland, Dan Thrift be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Madam 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.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2007

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. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblymen Mabey, Marvel, Carpenter, Horne, Mortenson, Settlemeyer, and Beers.

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

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I feel humbled and inadequate to properly honor our past President, Ronald Reagan. As a university student I remember those days very well, and I remember Mr. Reagan and what he did for our country. I thought I would share a few quotes that I found from him that express some of my views and express how he felt about our country.

As he spoke about government he said, "It is not my intention to do away with government. It is rather to make it work; work with us, not over us; stand by our side, not right on our backs. Government can and must provide opportunity, not smother it; foster productivity, not stifle it. This administration's objective will be a healthy, vigorous, growing economy."

He also said in his first inaugural address, "No arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women."

I was also struck by his sense of humor. We all remember when he was shot and when he got to the hospital he said two things that touched me. One, he told his wife, "Honey, I forgot to duck." And then, as he met the surgeons that were going to operate on him, he said, "I hope you are all Republicans."

He had great optimism and confidence in our country. He said, "The years ahead will be great ones for our country, for the cause of freedom, and the spread of civilization. The West will not contain communism, it will transcend communism. We will not bother to denounce it; we will dismiss it as a sad, bizarre chapter in human history whose last pages are even now being written."

And so as we remember Ronald Reagan on the ninety sixth anniversary of his birth, from him, perhaps, we as the elected representatives of the people in this great state of Nevada can draw new inspiration and gain a new understanding of the importance of the duties that have been placed upon us. As he so eloquently expressed, "You and I have a rendezvous with destiny. We will preserve for our children this, the last best hope of man on Earth, or we will sentence them to take the first step into a thousand years of darkness. If we fail, at least let our children and our children's children say of us, we justified our brief moment here. We did all that could be done."

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker. I rise in support of Senate Concurrent Resolution No. 1. I first became aware of Ronald Reagan in, of all places, Las Vegas, in the early 1960s. He spoke to the National Cattlemen's Convention. I'll tell you one thing: I have never seen such a rousing applause as Ronald Reagan received that day. You just knew that he was going to be headed off to greater things. I think we all owe him a debt for what he did in bringing the Cold War to an end. In my humble opinion, I think he will go down in the annals as one of the greatest presidents in the history of the United States.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. The first time I really listened to Ronald Reagan, he was speaking at the Latter Day Saint temple in Salt Lake City. Of course, at that time, Elko didn't have any radio or television stations out of Reno. We listened to Salt Lake when Ronald Reagan spoke. And I thought, "Wow, what a great man."

Later on, Ronald Reagan actually came to Elko. At that time, I was a county commissioner. All of us dignitaries, if you could call us that, were supposed to go down and meet Ronald Reagan. There were the four Assemblymen from Elko County and the Senators. We all went down to the airport and we were standing at the bottom of the steps of the plane when Ronald Reagan came off. He went past us like we were nobody. And I think we really were no one. What he wanted to do was to talk to the people that worked at the airport. He wanted to make the connection with the common man. That always impressed me that he would do that. Of course, later on, he came back and shook our hands. We appreciated that.

I think because of his friendship with Senator Paul Laxalt, who we all knew very well, I think we felt a special connection to Ronald Reagan. I want to stand in support of this resolution. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. I rise in support of Senate Concurrent Resolution No. 1. My first exposure to President Ronald Reagan was in Las Vegas, as a young college student. He set aside a place in the convention center for those of us who were members of the fraternity Tau Kappa Epsilon. I am a member, as is the good Senator from Senate District No. 9. We were both in there together. The one striking thing to me, at that time, also being in ROTC at the University of Nevada, Las Vegas, was how President Reagan, regardless of your political affiliations, took a

nation with his manner, his leadership, and brought us all together to carry the load, to stand together to the world and say, “We are Americans. We stand up for the things that are important to people in the world. We protect those who are less fortunate than we are. Despite our differences, when it comes to adversity, we will stand together.” That is something which today we should remember. The adversities we see in the world, the conflicts we have in our own nation, that is something which President Reagan was able to overcome. He was able to reach across the aisle, reach across the nation, and despite our differences, we were able to come together as a nation. Thank you.

ASSEMBLYMAN MORTENSON:

Thank you, Madam Speaker. Not only did he reach across parties and so on, but he reached across the age gap. I guess he was one of the oldest candidates for President, if not the oldest in this country. Again, he had a great wit. When someone asked him when he was running against a much younger candidate, “Is your age going to be a factor?” he said, “Well, I promise you I will not take advantage of the youth and inexperience of my opponent.” No one ever bothered him with his age after that. Thank you, Madam Speaker.

ASSEMBLYMAN SETTELMAYER:

Thank you, Madam Speaker. I tend to rely on the words of people far more intelligent than me. In that respect, I would like to quote Mr. Reagan when he announced his Alzheimer’s disease: “In closing, let me thank you, the American people, for giving me the great honor of allowing me to serve as your President. When the Lord calls me home, whenever that day may come, I will leave with the greatest love for this country of ours and eternal optimism for its future. I now begin the journey that will lead me into the sunset of my life. I know that for America there will always be a bright dawn ahead.”

With that, I would like to lend my support to this resolution. Thank you.

ASSEMBLYMAN BEERS:

Thank you, Madam Speaker. My memory of President Reagan is as an extremely obscure artist in northern California. After his election, I sent him a piece of art commemorating his first day in the White House. He responded with a personal letter. I’ve never forgotten that, and I, too, stand in support of this resolution.

Resolution adopted.

REMARKS FROM THE FLOOR

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

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. Yesterday, I did not take the opportunity to congratulate you on becoming the first woman Speaker in Nevada. I want to, today.

I believe all of us were elected to vote individual agendas but to promote good public policy for our state. We are “One Nevada.” Whether you are from the north, the south, a man, a woman, Democrat or Republican, our charge is to do what is right for the state. As a fellow female legislator, a wife, and a mother, I recognize your commitment to public service and the personal sacrifices you have made. To be successful in this body, you must earn respect. Madam Speaker, you have my respect.

The election of Nevada’s first female Speaker is historic. Again, I congratulate you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

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

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Christensen.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Armando Denis.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Serretta Fast.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Raquel Fulghum.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, February 8, 2007, at 11 a.m., and that it do so in memory of President Ronald Wilson Reagan.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly