

**THE FOURTH DAY**

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CARSON CITY (Thursday), February 8, 2007

Assembly called to order at 11:07 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

Lord, in Your Holy Word, You have said, "I am the true vine, and my Father is the vinedresser. Abide in Me, and I in you. As the branch cannot bear fruit of itself, unless it abides in the vine, neither can you unless you abide in Me." May the decisions and wisdom needed in this room, today, make its residence in the vine of His great glory.

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.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Koivisto, Conklin, Munford, McClain, Horne, Denis, Gerhardt, Leslie, Manendo, Ohrenschall, Parks, Pierce, and Segerblom:

Assembly Bill No. 78—AN ACT relating to education; requiring the State Board of Education to adopt a program of education relating to skin cancer; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Koivisto, Arberry, Ocegüera, Conklin, McClain, Anderson, Bobzien, Buckley, Claborn, Denis, Gerhardt, Hogan, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, Munford, Ohrenschall, Parks, Pierce, Segerblom, and Womack:

Assembly Bill No. 79—AN ACT relating to ethics in government; prohibiting a public officer or employee from using any governmental time, property, equipment or other facility for any activity relating to a political campaign or for the preparation of certain disclosures or reports; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly Bill No. 80—AN ACT relating to elections; requiring limited-liability companies to register with and provide certain identifying information to the Secretary of State before engaging in certain political activities; requiring the Secretary of State to make such information available on his Internet website; requiring limited-liability companies that make expenditures on behalf of a candidate or group of candidates or who advocate the passage or defeat of a question or group of questions on a ballot to file certain campaign finance reports; providing a civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Cobb, Beers, Carpenter, Goedhart, Goicoechea, Grady, and Marvel:

Assembly Bill No. 81—AN ACT relating to graffiti; revising the penalties for placing graffiti on or otherwise defacing public or private property; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 82—AN ACT relating to taxation; repealing the excise tax imposed on banks that is based on the number of branch offices maintained in this State; reducing the rate of tax imposed on financial institutions that is based on wages paid to employees; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ohrenscha1, Leslie, Denis, Parks, Anderson, Arberry, Beers, Bobzien, Buckley, Claborn, Conklin, Gerhardt, Hogan, Horne, Kihuen, Koivisto, Manendo, McClain, Mortenson, Ocegüera, Pierce, Smith, and Womack:

Assembly Bill No. 83—AN ACT relating to crimes; providing an additional penalty for specified crimes motivated by the victim's actual or perceived status as a homeless person; expanding the aggravating circumstances for murder of the first degree to include crimes motivated by the victim's actual or perceived status as a homeless person; expanding provisions governing civil liability for certain crimes to include crimes motivated by the victim's actual or perceived status as a homeless person; expanding the program for reporting crimes motivated by certain

characteristics of the victim within the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

SPECIAL ORDERS OF THE DAY

The hour of 11:15 a.m. having arrived, vetoed Assembly Bill No. 505 of the 73rd Session was considered.

Vetoed Assembly Bill No. 505 of the 73rd Session.

Bill read.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 14, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, NEVADA STATE ASSEMBLY,  
LEGISLATIVE BUILDING, 401 S. Carson Street, Carson City, Nevada 89701

TO THE HONORABLE MEMBERS OF THE NEVADA STATE ASSEMBLY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 505, which is entitled:

AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; abolishing the Transportation Services Authority; transferring the duties and responsibilities related to motor carriers and the storage of household goods and effects to the Public Utilities Commission of Nevada; revising provisions governing regulation of certain taxicab drivers; providing penalties; and providing other matters properly relating thereto.

I would be in support of Assembly Bill 505 and would sign this legislation into law if it were not for Section 133 of this legislation. Section 133 provides that:

[A] taxicab driver shall not accept a tip, gift, gratuity, money, fee or any other valuable consideration of any kind from a person who has been issued a license by a board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city for the conveyance of a passenger to the location of the person who holds the license.

Section 133 was quietly amended into Assembly Bill 505 at the very end of the Legislative Session. The proponents of Section 133 should have provided taxicab drivers with an opportunity to testify at a public hearing regarding this provision so they could describe the impact it would have on their livelihoods. A public hearing would have also allowed the proponents of Section 133 to identify the resources either needed or available to enforce Section 133, and it would have allowed them to provide an explanation as to why limo drivers, doormen, bellhops, and other professions were left out of this section of the bill. Further, if a public hearing had been provided, local governments could have identified their responsibilities with respect to curtailing the behavior of persons who have been "issued a license by a board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city."

Taxicab drivers contribute greatly to the economy of this state. I cannot support Section 133 of AB 505 because it singles out and hurts the financial well-being of taxicab drivers. Additionally, I know all of the legislators serving in the Legislature, and I do not believe a majority of them would have supported Section 133 had it been fully and fairly debated in an open public forum. Therefore, I am exercising my right to veto this legislation.

Sincerely,  
Kenny C. Guinn  
*Governor*

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblymen Ocegüera, Denis, and Beers.

Potential conflict of interest declared by Assemblyman Denis.

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

ASSEMBLYMAN OCEGUERA:

We passed this legislation last session because we had reports that there were instances of unfair practices that needed to be addressed. It was certainly not our intent to harm taxicab drivers who contribute to our community and our economy. We certainly value them.

The problems this bill attempted to solve, such as the 26,000-pound registration and the TSA abolishment, will be addressed again this session. I am recommending that we not override the Governor's veto. While I think we need to continue to monitor this situation, I recommend a “no” vote on the matter before us.

ASSEMBLYMAN DENIS:

Because this bill deals with the Public Utilities Commission, I need to make the following disclosure. While I am on leave without pay during the Legislative Session, I am employed by the Public Utilities Commission of Nevada, which is a state agency. I hold the position in the classified service of Computer IT Tech II. In that capacity, I am responsible for the maintenance and operation of the hardware and software of all computers in the Las Vegas office of the Public Utilities Commission and the videoconferencing system. As a public employee, I participate in the Public Employees' Retirement System and all other benefit programs available to public employees generally. Therefore, I will be watchful for bills, resolutions, and amendments regarding the Public Utilities Commission, state employees, and public employee benefits. Thank you, Madam Speaker.

ASSEMBLYMAN BEERS:

I had a chance to look over the history of this bill prior to session. And this amendment, from what I've learned, was put into the bill after a broad, unanimous, bipartisan support had been achieved and was done without comment being available. This is an example of a good bill being made bad, and I definitely support the veto.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Yeas—None.

Nays—Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Stewart, Weber, Womack—42.

## REMARKS FROM THE FLOOR

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

On the thirty-sixth day of this year, which was February 6, we had what is called Food Check-Out Day. I think that we need to realize the fact that in this nation, we have a great supply of nutritious food. I recognize that we do have hunger in this country. I have a restaurant, and the food that is wasted would feed everyone that is hungry in this nation. But I think that we also need to recognize that the farmers and ranchers of our country supply us with a great supply of healthful food. Right here in Nevada, we have great ranches raising cattle and sheep in Elko, White Pine, Lander, Eureka, and Humboldt Counties. We have the greatest potatoes in the world in Winnemucca; in Fallon, they raise cantaloupes that are the envy of the world; and in Smith Valley, down where one of our colleagues comes from, they have great garlic and onions to flavor our food. Further south, down in Amargosa Valley, we have great dairy, so we should recognize our farmers and ranchers and the great part they play in our food supply.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Over the interim, we had a subcommittee consisting of leadership which came up with some recommendations for conference committees. It is always our goal to allow the opportunity of this body, with a 120-day session every other year, to consider matters up to the very end of session. Our leadership team has developed, jointly, I think, some better procedures that will require notice on the web of all matters to be considered that are not contained in the original bill. I think this will do two things. It will preserve our flexibility to consider matters up until *sine die*. It will also allow more notice to be given to individuals, which I think is the intent of this body and certainly our leadership team and myself—to make sure full notice is going to the public. We have already implemented and developed those recommendations, and I think it will lead to healthier debate, healthier consideration, and better service of the public. For the freshman, that has already been developed.

## UNFINISHED BUSINESS

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1; Assembly Resolutions Nos. 1, 2, and 3; Senate Bill No. 1.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Forbes and Denisse Roldan Newell.

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

Assemblyman Ocegüera moved that the Assembly adjourn until Friday, February 9, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:27 a.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL  
*Chief Clerk of the Assembly*