

**THE FIFTEENTH DAY**

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CARSON CITY (Monday), February 19, 2007

Assembly called to order at 11:03 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Hardy, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Heavenly Father, You are not a God of disorder, but of peace. You have ordained government in order that people may lead peaceful and productive lives. Bless these servants of Yours, whose hard work goes a long way to make government work for all the people of this great state. In the Name of the Prince of Peace, I pray.

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

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 16, 28, 48, 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ohrenschall, Horne, Buckley, Carpenter, Gerhardt, Hogan, Mabey, Manendo, Munford, Pierce, Segerblom, Settlemeyer, and Womack:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to prohibit the taking of private property for any private use.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made. *Private property shall not be taken for any private use.*

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

Motion carried.

By Assemblymen Conklin, Leslie, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber, and Womack; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 4—Designating February 19, 2007, as Homeless Awareness Day in Nevada.

WHEREAS, On January 10, 2007, the National Alliance to End Homelessness issued a report ranking Nevada as having the second highest percentage per capita of homeless persons, with more than double the national average; and

WHEREAS, According to the report, an estimated 744,313 people experienced homelessness nationally, including 16,402 people in Nevada; and

WHEREAS, These figures do not take into account those persons who are on the edge of homelessness, living paycheck to paycheck, one step away from becoming homeless; and

WHEREAS, There are many reasons for homelessness, including, without limitation, unemployment, low wages, lack of affordable housing, lack of health insurance, domestic violence, and substance abuse and mental health issues; and

WHEREAS, One of the fastest growing segments of the homeless population in this country consists of families with children; and

WHEREAS, Homelessness disrupts every aspect of family life, adversely affecting physical and mental health, interfering with education and childhood development, and often resulting in the separation of family members; and

WHEREAS, Strategies for fighting homelessness that have shown positive results include the appropriation of money to provide assistance to homeless persons and the establishment of programs that focus on permanent housing and services to help the chronically homeless lead more stable lives; and

WHEREAS, To raise awareness of the issues faced by homeless persons in Nevada, including the need for transitional housing and mental health assistance, some Nevada

Legislators and various other concerned citizens slept in a “Tent City” outside of the Legislative Building on February 18, 2007; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the numerous state and local governmental agencies and various nonprofit entities dedicated to fighting homelessness in the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That February 19, 2007, is hereby designated as Homeless Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homelessness in Nevada and resolve to continue to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Michael Dayton, Chief of Staff to Governor Jim Gibbons.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

Assemblywoman Leslie requested that her remarks be entered in the Journal.

ASSEMBLYWOMAN LESLIE:

Everyone knows that homelessness is a huge problem in our country and in our state. The Urban Institute estimates that between 2.3 million and 3.5 million people per year in the United States experience homelessness. Of those, 23 percent are chronically homeless, which means that they are homeless for long periods of time and often have a disability of mental illness or substance abuse or a physical disability. The other 77 percent of those who are homeless at any one time are considered nonchronic. Approximately 59 percent of the homeless population counted in January 2005 were individuals, while 41 percent were people in families with children.

In Nevada, we have the dubious distinction of having the highest percentage of homeless individuals of any state—6.68 percent of every 100,000 of our population in Nevada is homeless. The only area that exceeds Nevada is Washington, D.C.

A statewide survey conducted in 2005 revealed that over 19,000 people in Nevada are homeless. About 13,000 of those live in Clark County, about 2,500 of those live in the Reno-Sparks area, and 3,500 are spread throughout the rest of the state.

The most common factors of homelessness in our state include domestic violence; the inability to find an affordable house or apartment; unemployment; a sudden illness in the family; or an unforeseen medical expense, car repair, or anything out of the ordinary.

Most disturbing of all is families with children are among the fastest growing segment of the homeless population in our state. Housing, an adequate income, health care, and mental health services and/or drug treatment are some of the answers to this problem of homelessness.

Under Order of Business 15, later, we will have some additional information for you, but as far as the members on this ACR, I hope you will join me in voting “aye.”

Resolution adopted.

Assemblywoman Leslie moved that all rules be suspended and that Assembly Concurrent Resolution No. 4 be immediately transmitted to the Senate.

Motion carried.

#### REMARKS FROM THE FLOOR

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

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. Many of you knew of or perhaps even saw when you came to work today a lot of the tents and soggy boxes outside between our building and the Capitol. I am really pleased to report that we had over 100 people spend the night. At one point yesterday afternoon, as part of our "Tent City," we had more than 250 people here, many of them from Las Vegas. Those of you who have served here for a long time know how rare it is and how wonderful it is to see your constituents make the long trip. Many of them took a very long bus ride yesterday to get here. They will be taking a long bus ride to get back home. So, first of all, I would like to thank all our constituents who participated in the Tent City event yesterday and last night, which was cold and snowy here in northern Nevada. Please stand up and be recognized.

Thank you, Madam Speaker, if I may continue. Some of them look a little ragged, but some of them look a lot better than they did at 11 p.m. when the snow and sleet were coming down. I don't know how you cleaned up, but you did a good job. I especially want to recognize the Assembly members who braved the cold and were there, crawling out at various times this morning from their boxes and tents. The Assembly members from Districts 3, 34, 37, and 41—my Las Vegas colleagues—thank you very much; also, my colleague from Reno in District 24. We even had a Senator there from District 4. We really appreciated that.

There were quite a few other Assembly members who stopped by, like the Majority Leader. I am trying to adhere to protocol but I will just give up on that. Ms. Womack was there, Mrs. Smith was there, Ms. Parnell was there. Lots of Assembly members came by, even if they did not spend the night.

I think that for those of us who did spend the night—and I will speak for myself—it really was a wonderful experience for us. I have never had the opportunity of smelling wet cardboard all night. It was different. We chose that night, as we are reminded repeatedly. We chose to be homeless last night. Most homeless people in our state do not get to choose to be homeless. I think for many of us, and certainly for me, spending the night outside helped to reflect on what it is like for the residents of our state who do not have a home to go to, and who have to sleep like that every day, regardless of whether the weather is balmy or it is snowy or it is cold—and probably without the kind of sleeping bags many of us had last night. It was a mind-opening experience. I think it really brought home the need for our state to do better so that two years from now, we are not standing here saying we have the worst record of any state in the nation. Thank you very much to my colleagues for spending the night. Maybe two years from now some of the rest of you will want to take that action yourselves.

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

I would just like to add my thanks to all of you who made the journey here to support public awareness for the homeless. I cannot imagine anything worse than being alienated from your family and sleeping on the street. I think this is probably one of the toughest things to advocate for. I see so many of you that I have worked with over the years. You advocate day in, day out, working so well in your communities across the state, trying for our society to not turn its back on our brothers and sisters. As we give our recognition to this important resolution, I also want to recognize each one of you for everything that you do to make our state a better place. Thank you.

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

Assembly Resolution No. 4—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rosanne Kruckenberg is elected as an additional attaché of the Assembly for the 74th Session of the Nevada Legislature.

Assemblyman Ocegüera moved the adoption of the resolution.  
 Remarks by Assemblyman Ocegüera.  
 Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Leslie, Conklin, Horne, Parnell, Pierce, Bobzien, Buckley, Hogan, Kirkpatrick, Parks, Smith, and Womack:

Assembly Bill No. 126—AN ACT making an appropriation for transitional housing and supportive services for persons who are homeless; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 26 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 19, 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. 5.

SHERRY RODRIGUEZ

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblyman Grady and Madam Speaker.

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

ASSEMBLYMAN GRADY:

I think that the resolution expresses how totally involved and committed Don McBride was as a husband, father, uncle, businessman, and community leader.

Virginia City, being a small community on the Comstock, has families that just connect and associate with one another. The McBrides are one of those families. You can talk history, the Virginia City Muckers basketball, business, the Fourth Ward School, or the Bucket of Blood Saloon, and the McBride family will always be mentioned in conversations.

As the old saying goes, "If you want to get the job done, appoint the busiest person." That applied to Don McBride. Virginia City can be proud that the McBride sons, Marshall and Steve, are carrying on the business interests while Don is the construction foreman for another well-known Comstock family, Hess Construction. I am very proud to be able to stand here today and support this resolution.

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

I was a young, freshman legislator from Las Vegas in 1995 when I came to Carson City. Speaker Joe Dini said, "You know, you need to see a little bit more of the state. I will meet you at the back of the building at 6:30 p.m. We are going on a runner." When the Speaker asks you to do something, if you are a smart freshman, you do it. I was at the building at 6:30 p.m. and I got in the car with Speaker Dini and we went to the Bucket of Blood, where we stayed for many hours munching on popcorn and visiting with many of the locals. That was one of my many times that Speaker Dini introduced me to Nevada's traditions, something that makes our state so great. I, too, would like to join in the resolution and offer our support to the family and our thanks for doing so much for our state and making us who we are. Thank you.

Resolution adopted.

#### REMARKS FROM THE FLOOR

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

##### ASSEMBLYMAN STEWART:

I think we would be remiss today if we didn't pause on Presidents' Day to remember some of the great Presidents who have led our nation. I would like to mention a few quickly: John Adams, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, Franklin Roosevelt, Harry Truman, and Ronald Reagan.

I would like to mention, in my opinion, our greatest President, whom we often times seem to forget, George Washington. He led us for six years through the Revolutionary War. He was, indeed, first in war. Then, he did a remarkable thing; he walked away from power. At the urging of his countrymen, he came back to lead us for eight more years. He was first in peace, as nearly everything he did for eight years set a standard for those who followed him. George Washington—first in war, first in peace, and first in the hearts of his countrymen.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Flores and Dennise Perkins.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Melany Denny and Catie Elzie.

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

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

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Cabria Anderson and William Cole.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Kristy Best and Charles Holtshouser.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie French.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Mira Johnson and Tamika Miller.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Elston.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Hakim Mohamed and Curtiss Robinson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Ingalls, Don McBride, Marshall McBride, and Steve McBride.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Alitzah Martinez and Kristi Minert.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Carter and Vacheral Carter.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Beets and Chris Saldivar.

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

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

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn Griffin and Michael Stoops.

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

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Kenya Pierce and Fernando Santiago.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Weise.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Fulkerson and Terry Lindeman.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Latisha Watkins.

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

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Meredith Stewart.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Rodriguez and Natalie Unzueta.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Gray, Nathan Myers, and Art Sandoval.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Dorway and Sharon Rogers.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Lee and Sarai Santana.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Polley and Fateen Seifullah.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Fulkerson and A. J. McClure.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Leigh Herbert and Mike Perrier.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Jessie Bromden, Lacey Miller, Kalyn Reeves, Kayla Rhienhardt, Shantelle Stillwell, and Adrienne Wad.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Hackstack.

Assemblyman Oceguera moved that the Assembly adjourn until Tuesday, February 20, 2007, at 11 a.m.

Motion carried.



Assembly adjourned at 11:37 a.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

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