

## THE THIRTY-SEVENTH DAY

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CARSON CITY (Tuesday), March 13, 2007

Assembly called to order at 11:04 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Matthew 7:7-8: "Ask, and it will be given to you; seek and you will find; knock and it will be opened to you. For everyone who asks receives, and he who seeks, finds; and to him who knocks it will be opened." Lord God, Creator of all things, Jesus said to ask, seek, and knock. We do so this day, that You, Lord, would grant us insight and enlightenment. We pray all decisions and directions made in this session would bless this state and glorify Your name.

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.

### REPORTS OF COMMITTEES

*Madam Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

*Madam Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 135, 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

*Madam Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 42, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 26; Senate Bills Nos. 99, 121, 122, 162, 168, 177, 196.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

SHERRY RODRIGUEZ

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

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

Assembly Concurrent Resolution No. 13—Honoring the accomplishments of United States Air Force Major Nicole Malachowski.

WHEREAS, Every year as millions of spectators experience the thrill of watching the precision aerial acrobatics of the United States Air Force Air Demonstration Squadron, known as the Thunderbirds, the skill and teamwork of the pilots who provide the excitement are readily recognized and appreciated; and

WHEREAS, The Thunderbirds, who have proudly represented the men and women wearing Air Force blue since 1953, turned a new page in history in March 2006, when Nicole Malachowski made her public debut as the team's first female pilot; and

WHEREAS, After being mesmerized by an air show as a young girl at 5 years of age, Nicole decided that she would one day be a fighter pilot, and despite being told by some that "girls can't be fighter pilots" and growing up with the reality that indeed women were, at that time, not allowed to fly fighter planes, Nicole never wavered from her goal; and

WHEREAS, While her peers were focused on getting their driver's licenses, Nicole was taking flight lessons at the North Las Vegas Airport and made her first solo flight there, and after graduating from Western High School in Las Vegas, she was chosen to enter the United States Air Force Academy and was commissioned in 1996; and

WHEREAS, Upon the completion of a lengthy process of letter submission, interviews and a flight test at Nellis Air Force Base, then Captain Malachowski was one of three pilots selected to become members of the Thunderbirds; and

WHEREAS, Major Malachowski, call sign "Fifi," has, since her selection, attained a summit in fulfilling her lifetime dream as she expertly guides her F-16 Fighting Falcon in the right-wing position of the famous Thunderbird diamond formation; and

WHEREAS, In addition to the time spent on training and performing as a pilot, Major Malachowski dedicates many hours to community outreach and often speaks to children, emphasizing teamwork and encouraging them to pursue something they are passionate about and to pursue excellence in that endeavor; and

WHEREAS, Nicole Malachowski is the epitome of what she teaches and has not only become a role model for all young women but also an inspiration for everyone who hears her remarkable story; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 74th Session of the Nevada Legislature do hereby honor Major Nicole Malachowski for her extraordinary accomplishments as a pilot and as an exemplary representative of our country and the United States Air Force; and be it further

RESOLVED, That the members of this Legislature and the residents of the State of Nevada praise Nicole Malachowski for her dedication to her country and to her dreams and extol her as a role model for all young Americans; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Major Nicole Malachowski.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblyman Horne and Madam Speaker.

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

ASSEMBLYMAN HORNE:

Thank you for the opportunity to honor Major Malachowski. Let me take a moment to walk this body through this remarkable and overachieving woman's accomplishments.

At the age of 12, she had an assignment in school to give an oral report on what she wanted to be in her life. Confidently, Nicole rose and proclaimed that she would be an Air Force fighter pilot. This was at a time when women were not permitted to fly fighter aircraft in the military.

After some ridicule from her classmates and even her teacher—this would fall under the title "You're not the boss of me"—she said, "Nobody can tell me what I can or cannot be when I grow up."

In 1989, Nicole joined the Civil Air Patrol and enrolled in her sophomore year at Western High School in Las Vegas. At Western, she joined the Air Force Junior ROTC program and then rose to the position of Corp Commander, the rank of Cadet Lieutenant Colonel. Nicole also achieved the national honor of the United States Air Force Junior ROTC Top Cadet and was promoted to Cadet Colonel, the only cadet in the nation to receive that honor.

Recognizing Nicole's obvious talents, she received full military scholarships to the Air Force Academy and Annapolis—I think she made the right choice in choosing the Air Force Academy. At the Academy, she became the first female to become commander of the Cadet Soaring Program.

Nicole graduated from the Air Force Academy in 1996 and in 1997 received her wings, which were proudly pinned on her by her father, Mr. Ellingwood, who is sitting here with us today. Her father was probably so proud because he was watching his daughter continue a tradition set by her grandfathers James Gist and Robert Ellingwood, both veterans of World War II and the Korean War.

Because Major Malachowski graduated near the top of her flight class, she was able to choose the only allotment slot to the class for the F-15E Strike Eagle. Major Malachowski has since logged over 1,900 flight hours; more than 188 of those are combat hours. Some of those combat hours were logged while leading a two-ship air cover over Baghdad on their historic election day.

Major Malachowski continued to make history when on June 16, 2005—her father's birthday, by the way—she was named to the Air Force Thunderbirds Performance Team, the first woman to do so.

Please join me in honoring Major Nicole Malachowski for her remarkable military career thus far.

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

I would like to join the tribute given by Assemblyman Horne and congratulate you for your daughter's accomplishments. We know what a great role you must have played, and we hope that one day, no young woman will be told that she cannot do something because of her gender. As the first woman Speaker in the history of the state of Nevada, I want to give my special congratulations to your daughter.

Resolution adopted.

REMARKS FROM THE FLOOR

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

ASSEMBLYMAN HORNE:

I would like to say that when I first read about Major Malachowski making the Air Force Thunderbird's Team, I was thrilled, not just because I, also, attended Western High School and not because I, also, was in the Air Force Junior ROTC department there. I was thrilled because she had done something which was remarkable in and of itself, whether you are a man or a

woman. She made this elite team. She did it as a woman. She set a goal to become a fighter pilot at a time when it was not thought of. It just wasn't going to happen for women. She was told as much. I have been there. When I first said I wanted to be a fighter pilot, I was told by a teacher I had to go to college, as if that wasn't possible.

Nicole didn't let anything stand in her way. I thought back to the comments of people saying Nevadans need to step up. They need to be good Americans. Nevadans have been stepping up since we were brought into the union.

Nicole didn't let anyone tell her no. She didn't let her gender stand in the way. With the guidance of her wonderful parents, she achieved her dream. I hope that many other boys and girls who have high aspirations don't let anyone else try to hold them down. I hope they reach for those stars, as Major Malachowski did. She honors Nevadans and she honors boys and girls who have lofty dreams. That is why I was so proud to bring this resolution, and I want to thank her parents for making the trip up. It's too bad the Major couldn't be here, but her duties called her elsewhere. I thank this body for recognizing her, Madam Speaker.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that all rules be suspended and that Assembly Concurrent Resolution No. 13 be immediately transmitted to the Senate.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Parks, Cobb, Hardy, Anderson, Bobzien, Carpenter, Claborn, Conklin, Denis, Gerhardt, Goedhart, Goicoechea, Grady, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ohrenschaal, Segerblom, Settlemeyer, Stewart, and Womack (by request):

Assembly Bill No. 290—AN ACT relating to taxation; exempting mortgage brokers from paying the excise tax imposed on financial institutions; requiring mortgage brokers to pay the excise tax imposed on other businesses; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Goicoechea:

Assembly Bill No. 291—AN ACT relating to local financial administration; expanding the purposes for which, in certain smaller counties, money may be expended from a local governmental fund established to stabilize the operation of the local government and mitigate the effects of natural disasters; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 292—AN ACT relating to foster homes; authorizing certain counties to contract for the licensing and regulation of foster homes; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Gerhardt, Leslie, Anderson, Buckley, Conklin, Atkinson, Beers, Bobzien, Claborn, Denis, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Ocegüera, Parks, Parnell, Pierce, Segerblom, Weber, and Womack:

Assembly Bill No. 293—AN ACT making an appropriation to the Legislative Fund for the Legislative Auditor to enter into a contract with a consultant to conduct a performance audit of agencies which provide child welfare services; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Denis, Hardy, Ocegüera, Atkinson, Conklin, Gerhardt, Kihuen, and Mabey; Senator Heck:

Assembly Bill No. 294—AN ACT relating to communicable diseases; revising provisions governing the testing of certain governmental employees who may have been exposed to a contagious disease while performing their official duties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Kirkpatrick, Parks, Allen, Hardy, Carpenter, Gerhardt, Goicoechea, Horne, and Ocegüera; Senators Schneider, Heck, Care, Hardy, and Amodei:

Assembly Bill No. 295—AN ACT relating to buildings and other structures; revising and renaming the Green Building Rating System; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bobzien, Leslie, Carpenter, Claborn, Gansert, Goicoechea, Kihuen, Pierce, Settelmeyer, and Smith:

Assembly Bill No. 296—AN ACT relating to water; authorizing the lease of certain water rights; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bobzien, Leslie, and Gansert; Senator Raggio:

Assembly Bill No. 297—AN ACT relating to motor vehicles; providing for the issuance of special license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Horne, Claborn, Smith, Conklin, Denis, Gerhardt, Kihuen, Koivisto, Manendo, Munford, and Segerblom (by request):

Assembly Bill No. 298—AN ACT relating to school police officers; prohibiting the suspension without pay of a school police officer in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Conklin, Horne, Ocegüera, Gerhardt, Allen, and Parks:

Assembly Bill No. 299—AN ACT relating to youth shelters; revising the definition of “runaway and homeless youth” for consistency with the federal definition for purposes of provisions which authorize counties to designate approved youth shelters; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 300—AN ACT relating to crimes; revising the additional penalty that may be imposed under certain circumstances for using a firearm, other deadly weapon or a weapon capable of containing or emitting tear gas in the commission of a crime; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Parks, Leslie, Allen, Arberry, Atkinson, Bobzien, Conklin, Gerhardt, Kihuen, Koivisto, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Pierce, Segerblom, and Womack; Senators Wiener, Heck, Horsford, and Woodhouse:

Assembly Bill No. 301—AN ACT relating to counties; revising the qualifications for the office of county sheriff; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 99.

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

Motion carried.

Senate Bill No. 121.

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

Motion carried.

Senate Bill No. 122.

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

Motion carried.

Senate Bill No. 162.

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

Motion carried.

Senate Bill No. 168.

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

Motion carried.

Senate Bill No. 177.

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

Motion carried.

Senate Bill No. 196.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 10 of the 73rd Session.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 10 of the 73rd Session:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Joint Resolution No. 10 of the 73rd Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16 of the 73rd Session.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 16 of the 73rd Session:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Joint Resolution No. 16 of the 73rd Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 126, 131, 151, 156, 166, 167 and 196.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 189, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206 and 213.

MARK STEVENS  
*Fiscal Analysis Division*

March 12, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 99, 104, 105, 108, 115, 116, 128, 130, 132, 141, 142, 149, 150, 157, 161, 162, 164, 168, 169, 172, 182, 183, 187, 190, 207, 208, 210, 211 and 212.

MARK STEVENS  
*Fiscal Analysis Division*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 10.



## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Reich.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Sharp.

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

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Will Abaeraczinskas.

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

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Bridget Kelleher.

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

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Harney.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Ellingwood, Robert Ellingwood, and Laurie Hackett.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Diana M. Glomb-Rogan.

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

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Jeanette Snapp.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Clark and Carmen Ortiz.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine, Loren Calvert, Krissta Kirschenheiter, and Dina Romaya.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Dinah Jordan.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Dollie McPartlin and Lucy Peres.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gene Wines Segerblom.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Shelby Buckles, Kathleen Dickinson, Kim Hackstock, and Travis Wisdom.

Assemblyman Ocegüera moved that the Assembly adjourn until Wednesday, March 14, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

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