

THE ELEVENTH DAY

CARSON CITY (Thursday), February 12, 2009

Assembly called to order at 11:18 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Forbid it, Lord, that we should walk through Your beautiful world with unseeing eyes. Forgive us for taking our good things for granted so that we are in danger of losing the fine art of appreciation. With such dire need in every other part of the world, make us so grateful for the bounties we enjoy, that we shall try, by Your help, to deserve them more. Where we are wrong, make us willing to change, and where we are right, make us easy to live with.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin 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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 11, 2009

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. 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Parnell, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart, and Woodbury; Senators Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 4—Commemorating the 100th anniversary of the organization of the Daughters of the American Revolution in Nevada.

WHEREAS, On February 12, 1910, the Montezuma Chapter of the National Society Daughters of the American Revolution (DAR) was organized in Goldfield, Nevada, and February 12, 2010, marks the 100th anniversary of that event; and

WHEREAS, The Nevada Sagebrush Chapter DAR worked with Governor James Scrugham, Senator Tasker Oddie and Congressman Samuel Arentz to enact federal legislation transferring ownership of Fort Churchill to the State of Nevada, allowing the 1931 Nevada Legislature to pass Assembly Bill No. 148 which transferred ownership to a trust administered by the Nevada Sagebrush Chapter, and ownership was transferred back to the State in 1961 so that Fort Churchill might become a state historical monument; and

WHEREAS, The Nevada State Society DAR has been instrumental in the placement of numerous historical markers in Nevada, establishment of Nevada's State Park System, collection of early relics of Nevada, acquisition of the Carson City Mint for use as the Nevada State Museum, and purchase and restoration of Bowers Mansion as a Washoe County Regional Park; and

WHEREAS, Members of the Nevada State Society DAR planted an elm tree in 1932, still standing today, on the State Capitol grounds, to commemorate the bicentennial of George Washington's birth, purchased a replica colonial silver tea service, still in use today, for the Governor's Mansion in 1968, and raised more than \$7,000 for the Sarah Winnemucca statue which stands in the National Statuary Hall Collection in the United States Capitol; and

WHEREAS, During World War II, members of the Nevada State Society DAR contributed thousands of hours of volunteer work and purchased substantial amounts of war bonds, and they continue to support our veterans and our troops overseas today; and

WHEREAS, Members of the Nevada State Society DAR have fostered a sense of patriotism and history in Nevada residents for the last 100 years through participation in naturalization ceremonies, historical essay contests, good citizenship programs, flag ceremonies and dedications, literacy programs, Constitution Week celebrations and residency-based scholarships; and

WHEREAS, The members of the Nevada State Society DAR have worked for a number of years to compile a 100-year written history of the works of the DAR in Nevada that they might be preserved for posterity as a part of the history of our great State; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Session of the Nevada Legislature recognize the 100th anniversary of the organization of the Daughters of the American Revolution in Nevada and applaud the efforts of the women, past and present, who work in support of the DAR tenets to promote patriotism, preserve American history and secure America's future through better education for children; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada State Regent Anita Ruth Kirk Sheard.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblymen Parnell, Anderson, Segerblom, and Madam Speaker.

Assemblyman Oceguela requested the following remarks be entered in the Journal.

ASSEMBLYWOMAN PARNELL:

I was thinking this morning how ironic it is that we are here today, on February 12, 2009, as Daughters of the American Revolution enters into its 100th year in Nevada, forming nearly a hundred years ago in Goldfield, Nevada. It is so important that this anniversary happens, leading into this very important President's Day weekend. As we all know, we look up at the man who watches over us. It is the 200th birthday today of our 16th President, Abraham Lincoln. I think what this resolution does is give us pause to just really cherish our history and so honor these Daughters of the American Revolution, who are working every day to preserve that history, not only for us but for generations to come. Thank you, Madam Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. I wish to rise in support of the resolution. Having a family member who received a scholarship from the Daughters of the American Revolution upon her graduation from high school, to continue her education, I know it's very, very important.

One particular part of my family just got off the boat yesterday, but the other side arrived here at Plymouth Colony and participated in the American Revolution and has a long history in both the eastern part of the United States and in the West. The Daughters of the American Revolution have done a remarkable job in furthering the education of many, many young people, and they have done this consistently, at least in the school district in which I had the pleasure to teach. Their scholarships for young people and their encouragement of participation are beyond reproach. I know there are other kinds of events that have taken place in their past, that sometimes we wish were not there, but that is often true of many groups that have a long history that reflects the unique nature of American history.

ASSEMBLYMAN SEGERBLOM:

I want to point out that 100 years ago the Daughters could not vote and yet today we have a female Speaker of the State Assembly. So, brag about that. Thank you.

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

With the permission of the body, I was able to take my nine-year-old son to see the statuary collection and see the Sarah Winnemucca statue. I was proud to be a Nevadan. Thank you for all your work on that project, as well.

Resolution adopted.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Aizley, Ohrenschall, Claborn, Kihuen, McClain, Mortenson, Munford, and Segerblom; Senators Coffin and Parks:

Assembly Bill No. 160—AN ACT relating to economic development; providing that certain fees relating to the operation of motor vehicles do not apply to certain motion picture companies; providing an abatement from certain sales and use taxes for certain motion picture companies; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 161—AN ACT relating to domestic violence; revising the provisions relating to the mandatory arrest of a person for battery which constitutes domestic violence; revising the provisions relating to plea bargaining of a charge for battery which constitutes domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Buckley, Leslie, Woodbury, Conklin, Aizley, Anderson, Arberry, Atkinson, Bobzien, Carpenter, Christensen, Claborn, Denis, Dondero Loop, Goicoechea, Grady, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Manendo, Mastroluca, McClain, Mortenson, Munford, Ocegüera, Parnell, Pierce, Segerblom, Smith, and Stewart; Senators Horsford, Schneider, Lee, Wiener, Townsend, Amodei, Breeden, Care, Carlton, Coffin, Copening, Nolan, Parks, Rhoads, and Woodhouse:

Assembly Bill No. 162—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for screening for and treatment of autism; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Atkinson, Christensen, Manendo, Aizley, Bobzien, Carpenter, Claborn, Cobb, Dondero Loop, Hambrick, Hogan, Kihuen, Kirkpatrick, Koivisto, Leslie, Mastroluca, Mortenson, Munford, Ocegüera, Pierce, Segerblom, and Smith; Senators Parks, Townsend, Breeden, Care, Copening, Nolan, Washington, and Wiener:

Assembly Bill No. 163—AN ACT relating to highways; requiring the Department of Transportation to adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on certain highways designated for the preferential use or exclusive use of high-occupancy vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Gansert, Anderson, Manendo, Kihuen, Aizley, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Dondero Loop, Hambrick, Hardy, Kirkpatrick, Koivisto, Leslie, Mastroluca, McArthur, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, Spiegel, and Stewart; Senators Breeden, Wiener, Care, Parks, Copening, Horsford, Lee, Mathews, McGinness, and Washington:

Assembly Bill No. 164—AN ACT relating to crimes; providing certain penalties for a battery that is committed by strangulation; increasing the penalty for a battery which constitutes domestic violence if the battery is committed by strangulation; increasing the penalty for a battery under other circumstances if the battery is committed by strangulation; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

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

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. I rise today to recognize, as my colleague from Assembly District 40 has done, the 200th anniversary of the birth of one of our greatest Americans, Abraham Lincoln. Abraham Lincoln was born in little more than a hut in Kentucky. He moved with his family to Indiana, where his mother died and where his father deserted him, along with his sister, for a period of several months. When his father finally came back, he came back with a new wife. This new wife had a great influence on Abraham Lincoln. She brought him newspapers and encouraged him to read. When he moved to Illinois, Mr. Lincoln became a soldier, a member of the state legislature, and a United States Congressman.

He then moved to Washington, D.C., where he became the first Republican President. But more than that, he was a President of all the people. Lincoln was known as the “Great Emancipator.” He was a victorious commander-in-chief, the man who kept the Union together, and the man who preserved liberty for all of us. In recent years, he has come under condemnation by revisionist historians as being a tyrant, a henpecked husband, and a dictator. For many years, he was first in almost all polls. Recently in a *USA Today* poll, he came in third behind President Reagan and President Kennedy. It is my hope, as a great fan of Lincoln, that this 200th anniversary will bring him back to his rightful position as number one.

I have included on your desks some of the great quotes that Abraham Lincoln made throughout his career. I hope you will take a moment today to look that over and to reflect upon some of the great things and great deeds that Abraham Lincoln did.

In spite of the fact that Lincoln never lived in Nevada, he has a very special relationship with this great state. The State of Nevada became a state on October 31, 1864. Just a week later, Abraham Lincoln was elected to his second term as President. Lincoln, of course, gave his life for his country, being assassinated in April of 1865. The great Battle Born State of Nevada, in March of 1915, commemorated the great relationship we have with this great man by commissioning this picture that now looks down upon us. This picture was commissioned with Charles M. Sheehan. We paid a mere \$1,300 for that picture. As Lincoln daily looks down upon us, I think he gives us a great message—the message of opportunity for all of us. It is possible, partly because of Lincoln, for one of the twins of David Bobzien, the daughter of Ty Cobb, or the son or daughter of William Horne to some day become President of this great nation.

In closing, I would like to quote from the second inaugural address of this great man, with advice, perhaps, to all of us. “With malice toward none, with charity for all, with a firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds” and to work together for the benefit of this great nation and this great state.

Thank you, Madam Speaker.

ASSEMBLYMAN HARDY:

There is probably no more appropriate day than today to speak about uniting. Being united is to live united. Sitting with me is the chairman of the board of the United Way of Southern Nevada, Larry Seedig. Hopefully you will be able to recognize him because today he is worth \$50 million to you. And I will get there to explain.

The United Way of Southern Nevada is represented by multiple people behind me. They are going to stand and be recognized. It is important that you recognize them, too, not by clapping, but by what they look like. And I will get there, also.

Their mission for United Way at this point, in southern Nevada, is to consider health—particularly looking at increasing the number of immunized Nevada children, particularly in the age group of 0 to 3, with the goal of an 80 percent immunization rate by 2010. They are

interested in education, they are interested in financial stability, and they are interested in making sure that people have a financial literacy education.

And now I have gotten there.

There is \$50 million left on the table, of earned income tax credits that exist right now in the coffers of Washington, D.C., that belong to citizens in the State of Nevada. If you want to talk about stimulus, imagine what is going to happen when you have your constituents talk with these people. Within ten days of filing your taxes electronically or six weeks filing with hard copy, assisted for free by these people, which includes any of you if you want, you can have your income tax filing done free, and for those people who have an annual income of under \$4,200, they will get back 10 percent of their income. That means a \$50 million stimulus in this year. Now there is another caveat that this goes back three years, so it is potential stimulus of \$150 million, so that is a stimulus that you can have your constituents get very quickly. It is real. The money is there and waiting for the people to file that particular form.

I think it only appropriate to welcome the people from United Way on this day. I am wearing my T-shirt proudly. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. I believe that it was on this date—and I could be wrong because I did not look it up—that the National Association for the Advancement of Colored People came in to existence 100 years ago, as the result of an unusual event in Springfield, Illinois, which of course was in commemoration of the 100th anniversary of Lincoln's birth. Of course, Springfield has had major events occur there.

I note in my colleague from District 22's handout that a key to Lincoln's greatness is the phase in the Gettysburg address that "All men are created equal." I think this is the essence of the spirit of who the 16th President of the United States was. While he looks down on us I would feel remiss if I did not bring to the body's attention the importance of the quantum leap that has taken place in 100 years and the quantum leap that has yet to be made in order to bring Lincoln's dream to reality.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I just wanted to thank my colleague from southern Nevada for his comments about United Way and also remind everyone and thank them for their contribution to the 2-1-1 line in Nevada. The United Way has been a great partner for 2-1-1, especially in our times of budget problems. They continue to help keep those lines open, so I would like to acknowledge their work in that regard, as well.

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 Barbara Stone.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Brown Elementary School: Heather Almaraz, Jason Bang, Brylee Billings, Skylar Bradfield, Everett Brandt, Justin Buschine, Alex Coté, Hunter Cramer, Jake Folkers, Kaileen Fryar, Ariana Garcia, Maddie Holmes, Jonah Hyde, Taylor Martin, Karly McCutcheon, Brenton Olive, Blake Orton, Jess Osier, Jason Owens, Kyle Pinheiro, Miranda Slack-Welsh, Nicole Smith, Andrina Sofos, Selena Teglia, Dax Van Der Wal, Parker Webster, Sierra Webster, Hannah Blake, Benita Carbone, Shauna Clark, Cienna Dorny, Danielle Dowling, Anawnda Fox, Marcus Gage, Joel Guasch, Keiko Kamachi, Brendan Leo, Jaida Mabunda, Madeline McLain, Astha Mehta, Gabrielle Moorehead, Joanie Moorehead, Madison Nichols, Jose Carlos Otoy, Grace Pfaff, Heidi Reed,

Brody Roelofs, Victoria Snyder, Brayden Steimle, Nathan Thom, Nicholas Tower, Ally Young, Hannah Carrera, Khalid Aziz, Taylor Bauer, Lindsay Calhoun, Cody Carlson, Tanner Cartinella, Joel Castillo, Savanna Cilonis, Ryan Costelloe, Emma Covert, Jacob Covert, Joseph Damonte, Evan Fehr, Sadie Guthrie, Bailey Hyde, Carly Kahl, Spencer Karam, Samantha Lewarne, Caitlyn Monahan, Maggie Nordahl, Alejandro Perez, Sarah Riar, John Simonsen, Ankeet Singh, Rheanna Smith, Kyra Moore, Sean Keilberg, Taylor Agulto, Brandon Blake, Tyler Blasquez, Mia Buckholz, Selena Camarena, David Camargo, Kaillynn Carrete, Ashton Evans, Heather Ficken, Zack Frey, Mellisa Gallagher, Riky Garcia, Wade Gearhart, Emily Gonzalez, Jackie Guterrez, Katie Hardung, Gwen Jones, Sean Lacsamana, John Lee, Hugo Montelongo, Tyler Pitts, Braedon Rickman, Samantha Summers; teachers Dana Ayers, David Jones, Cindy Kahl, Kara Keyes; chaperones Rich Reed, Michele Tower, Jeremy Steimle, Madeline Bravo, Tamera Dorny, Lori Hardung, Heather Gallagher, Teresa Gearhart, Tina Buckholz, Claudia Ruiz, Steve McCutcheon, Sharon Owens, Amanda Romano, VaLynn Olive, Kristy Orton, Christina Bauer, Jody Covert, Jennifer Guthrie, Heidi Simonsen, and Brian Zabel; Bea Eichbaum, Cindy Trissel, and Lynn Kinsell.

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

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Sheard, Stacy Woodbury, Kandy Little, Carolyn Chapman, Karen W. Lampus, and Rebecca Eisenman.

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

Assemblyman Ocegueda moved that the Assembly adjourn until February 13, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly