

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 28, 2009

Assembly called to order at 11:34 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Chuck Durante.

Holy and Gracious Creator, we come before You this crisp, spring day and give You thanks. Thank You for all You have entrusted to us and help us to be good stewards of it for the generations to come. In these difficult economic times for Nevada, our nation and our world, send forth Your wisdom and understanding, knowledge, and right judgment upon all our lawmakers. Grant to them discerning hearts and minds that their decisions may be for the common good, always aware of the weakest and most vulnerable among us.

Fill each of us with the courage to do Your will. Bless our families, our neighborhoods, and our state, that all who live here may have the opportunity to become all that you created us to be.

We make this prayer as your grateful and humble people.

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.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 342, 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chairman*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 123 and 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 463, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assembly Concurrent Resolution No. 19.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblyman Ohrenschall.

Resolution adopted and ordered transmitted to the Senate.

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

Assembly Concurrent Resolution No. 28—Designating April 28, 2009, as Homeless Youth Awareness Day in Nevada.

WHEREAS, Thousands of children in this State are reported as runaways each year and often join the homeless population on the streets, eating out of dumpsters, sleeping in alleys and feeling cold, unloved and alone; and

WHEREAS, Many of these runaway children prefer to chance the dangers of life on the street to remaining in their homes, where they often experience abuse, violence and other dysfunction; and

WHEREAS, Although the “Right to Shelter Law,” which provided for separate shelters for certain runaway children, was passed by the Nevada Legislature in 2001, there are no long-term residential facilities which allow children to seek assistance on a voluntary basis in this State; and

WHEREAS, There is a lack of available statistics concerning the number of homeless children that reside in this State and their need for such long-term residential facilities and other services; and

WHEREAS, Children who are homeless are unable to support themselves financially, causing them to become desperate, hungry and vulnerable; and

WHEREAS, Homeless children often become sexually active, are at risk of becoming pregnant and engaging in prostitution, suffer from poor nutrition and dehydration, become suicidal and suffer various other harms which affect their overall health, well-being and ability to become productive members of society; and

WHEREAS, To properly address the needs of this often-forgotten population, it is important to raise public awareness of the serious issues concerning homeless children in this State and to encourage public support for programs designed to assist those children; and

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

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 28, 2009, is hereby designated as Homeless Youth Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homeless children in Nevada and continuing 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 Joshua Hicks, Chief of Staff to Governor Jim Gibbons, and to the Board of Directors of the Nevada Partnership for Homeless Youth.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblymen Conklin, Manendo, Ocegüera, and Madam Speaker.

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

ASSEMBLYMAN CONKLIN:

Thank you, Madam Speaker. I moved to Nevada in 1998. In 1999, I met the founder of the Nevada Partnership for Homeless Youth, Ms. Kathleen Boutin. At the time, there was no organization. We met through some United Way activities and working together to help programs and bring money to certain organizations in the community. After one of our meetings, she pulled me aside and gave me some thoughts about her vision for helping a certain population in the State of Nevada that does not get the attention that it deserved. That was ten years ago. That population was homeless youth.

I had no idea how many children lived on the streets, night after night, with no parents or no family. They were children who were subject to predators, crime, and bad weather. They had no friends and no services at the time. At the time, there was a law on the books that said if you were under the age of 18 and someone provided you with services, they could be held liable. In 1999, the members of this soon-to-be organization worked diligently to craft a measure that, Madam Speaker, you were the sponsor of in the 2001 Session. That bill became known as the Right to Shelter law. It changed, in many respects, the ability of our community to address some of the needs that these kids have. Basically, the measure said that if you reached out to a child, someone who was homeless and under the age of 18, and you provided them services, you did not have to be liable.

Madam Speaker and colleagues, today the Nevada Partnership for Homeless Youth helps thousands of kids. Without liability, without second guessing, we have housing programs that keep kids off the streets and help them to be self-sufficient. We have database programs that count and keep track and allow us to gather more money for the state and for the counties. We do advocacy work through organizations such as yours, Madam Speaker. We provide shelter and we run programs, such as Nevada Safe Place. I cannot tell you how important this organization has been to me because it is the reason I am here. I urge passage.

ASSEMBLYMAN MANENDO:

Thank you, Madam Speaker. I, too, rise in support of Assembly Concurrent Resolution 28. The Assistant Majority Leader is right on target. I want to thank him and I want thank you, Madam Speaker, and I want to thank Kathleen Boutin, who had the vision to work so hard for our young kids. When we go out and do homeless counts and we are out in the gullies and washes and we are doing counts of kids and we come upon them in the middle of the night, people do not realize that we have homeless kids. I have a couple of elementary schools in my district where we have 85 percent homeless kids. The things that the Partnership for Homeless Youth has done for our community speak volumes for the people in the State of Nevada. It really does. Senator Parks and myself and several others were on the honorary board and we went to Tulsa, Oklahoma. We learned how the Safe Place program operated. On January 2, 2002, we brought the Safe Place program to southern Nevada. I am so proud of folks like Terrible Herbst Gaming and CAT bus system and several others, where you have businesses and the community working together to do what is right to make our community better. I just want to say I appreciate everyone who has worked so hard every day, every minute, for our kids. Thank you.

ASSEMBLYMAN OCEGUERA:

Thank you, Madam Speaker. I, too, rise in support of Assembly Concurrent Resolution 28. The homeless corridor in Las Vegas is in my district. That is where many of these youth are, near the university. The homeless shelter is in my district. I have been there several times. I did not know the plight of some of these youth. And some of them aren't homeless in the sense that you and I might think of a homeless person. Some of them do what they call "couch surfing" where they spend three days at your house, three days at my house, and three days at someone else's house. And no one realizes that they are homeless. They spend time on rooftops and in gullies, like my colleague said. The work that these folks do is just unbelievable. I would like to mention again, also, the Safe Place program. The fire department has been involved in that program, and that is a wonderfully successful program. Like my colleague from District 18 said, we have some schools in my district that have high rates of homeless youth. We, as a fire department, try to help at Christmas for the schools. I was just amazed. I couldn't even fathom that 60 to 70 percent of the students did not have any place to go at night. I rise in support of this resolution and hope to support these folks in all the good work they do in the future.

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

Sometimes in the day-to-day hustle and bustle up here, as we are drowning in bills and wondering how we are going to solve the state's economic crisis, we need to be reminded about what is good in our state. This resolution certainly brings this to everyone's attention. Some of my work that I am the proudest of in my 16 years have to do with homeless children, whether it was having the privilege of sponsoring this bill or fighting for the funds for children aging out of our foster care system. In the old days, we used to give children nothing except a trash bag as they left our foster care system. Thanks to the work that we did here, now we have a bridge and funds to help kids as they try to reach for college or a job. We added health insurance for children aging out of the foster care system. Before, we didn't have that. It took us four years to fight for that. I think those measures have helped, but there is nothing more important than the board members and the staff of organizations like the Nevada Partnership for Homeless Youth and our other nonprofits that are serving without compensation and are raising funds in a tight economic market. They know we can make a difference in these kids' lives. And to all of those kids who now are giving back and helping out, we thank you and we appreciate you.

Resolution adopted.

Assemblyman Conklin moved that all rules be suspended and that Assembly Concurrent Resolution No. 28 be immediately transmitted to the Senate.

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 11:59 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Madam Speaker presiding.

Quorum present.

By Assemblymen McClain, 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, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, 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. 29—Recognizing Tuesday, April 28, 2009, as Equal Pay Day.

WHEREAS, Equal Pay Day was originated by the National Committee on Pay Equity in 1996 as a public awareness event to illustrate the gap between men's and women's wages; and

WHEREAS, Because women earn less, on average, than men, they must work longer for the same amount of pay, and therefore Equal Pay Day is observed during the last week in April to symbolize how far into the year a woman must work, on average, to earn as much as a man earned during the previous year and on a Tuesday because it is the day of the week on which women's wages catch up to men's wages from the previous week; and

WHEREAS, Pay equity is not just a women's issue because equal pay for women raises family income and the whole family benefits; and

WHEREAS, In 1963, when the Equal Pay Act was signed into law, women earned an average of 59 cents for every dollar earned by a man, and in 2007, women earned an average of 78 cents for every dollar earned by a man; and

WHEREAS, The wage gap is even greater for most women of color, as statistics show that Latina women earn 59 cents, African American women earn 69 cents and Asian American women earn 89 cents for every dollar men earn; and

WHEREAS, Over a working lifetime, this wage disparity costs the average American woman and her family an estimated \$700,000 to \$2 million, impacting social security benefits and pensions; and

WHEREAS, Nevada ranks eighth for the ratio of women's earnings to men's (wage gap), and it is estimated that women will catch up to men by 2020; and

WHEREAS, Nevada ranks 17th for the percentage of women-owned businesses, 47th for the number of women in professional and managerial positions and 47th for the percentage of women with 4 or more years of college; and

WHEREAS, On January 29, 2009, the Lilly Ledbetter Fair Pay Act, which restores the ability of victims of wage discrimination to hold their employers accountable for injustice and challenge the practice in court, was signed into law; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby designates Tuesday, April 28, 2009, as Equal Pay Day in Nevada to recognize the contributions of women to the paid labor force and

the ongoing work of both women and men to reach the goal of equal pay for equal work; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Women's Lobby, League of Women Voters of Nevada, American Association of University Women of Nevada and Nevada NOW for their advocacy work on behalf of all Nevada women.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblymen McClain, Horne, and Madam Speaker.

Resolution adopted.

Assemblywoman McClain moved that all rules be suspended and that Assembly Concurrent Resolution No. 29 be immediately transmitted to the Senate.

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 12:11 p.m.

ASSEMBLY IN SESSION

At 12:12 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Smith moved that Senate Bill No. 109 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 235 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 463.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 533 and 542.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 109.

Bill read third time.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 576.

AN ACT relating to state grazing boards; deleting the provisions that place such boards within the State Department of Agriculture; **requiring each state grazing board to submit an annual report to the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a state grazing board for each Bureau of Land Management grazing district in Nevada and places each of those boards within the State Department of Agriculture. (NRS 568.040) This bill deletes the provisions that place each of those boards within the Department, ~~and~~ **requires each state grazing board to submit to the Legislature an annual report of its revenues and expenditures.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 568.040 is hereby amended to read as follows:

568.040 **1.** To direct and guide the disposition of the range improvement fund of each grazing district concerned, in the manner most beneficial to the stock raising payers of the grazing fees from which the funds are derived and to the counties concerned, there is hereby created ~~[within the State Department of Agriculture]~~ a state grazing board for each Bureau of Land Management grazing district established and existing in Nevada under the provisions of the Taylor Grazing Act.

2. Each state grazing board created by subsection 1 shall submit an annual report of its revenues and expenditures to the Director of the Legislative Counsel Bureau not later than February 15 of each year for transmittal to the Legislature.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 235:

YEAS—42.

NAYS—None.

Senate Bill No. 235 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 533 and 542; Senate Concurrent Resolutions Nos. 24 and 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Kik, Nan Keogh Farrell, and Gerry Farrell.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hill.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Yasumasa Nagamine, Kathleen Blakely, Gayle Anderson, and Takemichi Nagaoka.

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

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Boutin, Tim Mullin, Jeremy Hynds, Larry Lovelett, Keith Stark, Paula Lawrence, Kelly Woods, David Chavez, Tony Sanchez, Jan Cohen, Ted Olivas, and Jennifer Simich.

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

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Olson, Gretchin Kvall, Reese Kvall, Sai'len Kvall, Jennifer MacMillan, and James MacMillan.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Barber.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Abdulhakim Mohamed.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Clontz.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Byllie Andrews.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Alcaraz.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Fremont Elementary School: Nathaniel Apodaca, Lesly Bracamontes-Canas, Courtney Campbell, Noah Cano, Noemi De La Cruz, Dawson Fetic, Yasmine Gallegos, Manlio Gamez, Brian Garringer, Mayzene Gonsalves, Isaias Gonzalez, Diana Guzman, Cody Hadd, Karina Huizar-Salas, Tyler Huling, Dylan Lafollette, Adrian Lampe, Paola Mariscal, Jailene Mendoza-Macias, Mychaela Mone, Lorena Montes, Hailey Palotas, Jordi Ramirez Lopez, Riley Riedl, Juan Sanchez, Jordan Smith, Kooper Van Worth, Raymond Verde Cabrera, Gregory Wallace III, Jose Aguilar, Logan Bevins, Mia Brozovich, Micah Camp, Megan Cantley, Edith Cervantes-Mejia, Makenna Couste, Tiffany De Rosa, Dustin Floyd, William Furlong, Daniel Gutierrez-Lopez, Edward Hart, Katlyn Hornbeck, Bethany Ignacio, Kristopher Illig, Katelyn Jones, Ryan Kattenhorn, Michelle McQueary, Elena Montes, Alexander Morgan, Hilda Munoz Marquez, Deni Ortiz Fernandez, Gabriel Pope, Marco Quevedo, Jesus Rangel, Ernesto Rojas Jr., Aaron Serrano, Wesley Thompson, Juan Camilo Trujillo, Jason Vargas Avalos and Dinah Jordan; teachers Jacqueline McCune and Carolyn Cook.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Jacks Valley Elementary School: Sterling Atlan, John Bingham, Maureen Brennan, Emily Conover, Ian Dixon, Andrew Elsworth, Sydney Espinoza, Anthony Gayner, Grace Green, April Hall, Caroline Hall, Elyssia Iguado-Jones, Trevor Luttrell, Ashton McKissack, Christian Miranda, Patrick Olvera, Destiny Paetz, Jesse Pimental, Ian Remington, Christopher Rowe, Shawn Ryan, Josiah Velasquez, Noah Velasquez, Angelie Woolfe, Madison Zajac, Conor Agnason, Kristina Benbrooks, Tyler Crisp, Brandon Dacayanan, Savannah Garcia, Collin Gates, Keileigh Gonzales, Dubi Justice, Patrick Larsen, Cody Lopez, Amelia McKay, Kendal Moore, Mairelys Ortega, Noah Primak, Geoffrey Reich, Tess Sando, Devi Schwartz, Cahlie Shattuck, Haiden Sneed, Justin Stevens, Austin Travers, Jordan Wang, and Wolfie Weiss; teachers Heather McCain, Kristin Carrion, and Barb Jacobson.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Reno Christian Academy: Madison Alexander, Na'la Bailey, Lauren Brown, Kayla Freeman, Nicholas Labahn, Natalie Parker, Jessica Pearson, Josie Peck, Brandon Stehlik, Corinne Undercoffer, and Johah Wacker; teacher Echo Callahan.

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

Assemblyman Ocegüera moved that the Assembly adjourn until Wednesday, April 29, 2009, 11:30 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly