

## THE SIXTY-FIFTH DAY

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CARSON CITY (Tuesday), April 12, 2005

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

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Myra Soifer.

As this busy day in the Nevada Assembly is about to begin, let us pause, take a deep breath, and prepare. Jewish tradition teaches that in the far-off, longed-for time when our world will finally and ultimately be perfected, there will still be one kind of prayer required of us, and that is prayers of thanksgiving. Even in an ideal world, it will be incumbent upon us to give thanks.

As you begin your work for the people and the state of Nevada, may gratitude be the foundation of your efforts—gratitude for our country and state, gratitude for your privilege to serve, and gratitude to the people who have trusted you with that task.

When a Jew arises each morning, there is a prayer of thanksgiving that he or she traditionally speaks. Though you here have been awake and hard at work for many hours already, perhaps this moment can be a reawakening to the challenges and good work before you. May you begin today's session with the kind of grateful wonder that ought to arise within each one of us as a new day dawns. And so I share with you a prayer from our morning liturgy, adapted for this chamber:

*Modim Anachnu Lach . . .*

You enter these chambers to voice and enact the commitments of your heads, hearts, and souls. In this august company, with these, your colleagues, may you offer your best to one another and all the citizens of this state. While the pressures of life and schedule may stifle your nobler impulses, may your sense of all that is holy in your work here lift you beyond those stresses and nurture your ideals and best intentions. May you devote yourselves this morning to details grand and mundane. May your hearts be lifted, your thoughts deepened, and your souls like the eagle soar. In gratitude, may you begin your work and end your day. As you promote blessing, may you, too, be blessed.

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

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 163 and 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

*Mr. Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Joint Resolutions Nos. 8, 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 347; Assembly Joint Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 14, 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 Assembly Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and rerefer to the Committee on Ways and Means.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chairman*

## COMMUNICATIONS

STATE OF NEVADA  
OFFICE OF THE SECRETARY OF STATE

April 8, 2005

DIANE KEETCH, *Assistant Chief Clerk Of The Assembly*, State Assembly, Nevada State Legislature

DEAR MS. KEETCH:

This letter is in acknowledgment of the transfer of Assembly Bill No. 135 of the 73rd Legislative Session, which was vetoed by the Governor on April 7th, 2005. The enclosed engrossed copy of Assembly Bill No. 135 is being returned to the 73rd Legislative Session for action pursuant to NRS 218.420.

If you have any further questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,  
DEAN HELLER  
*Secretary of State*

By: ELLICK C. HSU, ESQ.  
*Deputy Secretary for Elections*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 218, 301, 321, 449, and 483.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 41, 76, 118, 152, 170, 186, 194, 210, 417, and 442.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS, AND NOTICES

## NOTICE OF EXEMPTION

April 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 37, 248, 270, 369, 392, 433, 464, 480, 500, and 540.

MARK STEVENS

*Fiscal Analysis Division*

April 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 80, 117, 170, 175, 176, 198, 289, 336, 398, 526, and 534.

MARK STEVENS

*Fiscal Analysis Division*

By Assemblymen Conklin, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Heck, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 16—Designating April 12, 2005, 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; 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, engaging in prostitution and contracting sexually transmitted diseases, 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 12, 2005, is hereby designated as Homeless Youth Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 73rd Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homelessness of children in Nevada and 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 Hillerby, Chief of Staff to Governor Kenny C. Guinn, and to the Board of Directors of the Nevada Partnership for Homeless Youth.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

Assemblywoman Buckley moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

#### INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 41.

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

Motion carried.

Senate Bill No. 76.

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

Motion carried.

Senate Bill No. 118.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:27 a.m.

#### ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 152.

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

Motion carried.

Senate Bill No. 170.

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

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:30 a.m.

#### ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Ocegüera withdrew the motion that Senate Bill No. 170 be referred to the Committee on Government Affairs.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 186.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 194.

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

Motion carried.

Senate Bill No. 210.

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

Motion carried.

Senate Bill No. 218.

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

Motion carried.

Senate Bill No. 301.

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

Motion carried.

Senate Bill No. 321.

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

Motion carried.

Senate Bill No. 417.

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

Motion carried.

Senate Bill No. 442.

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

Motion carried.

Senate Bill No. 449.

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

Motion carried.

Senate Bill No. 483.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 39.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 218.53723 is hereby amended to read as follows:

218.53723 1. There is hereby established a Legislative Committee on Children, Youth and Families consisting of:

(a) Five members appointed by the Majority Leader of the Senate, at least two of whom were members of the Committee on Finance during the immediately preceding legislative session; and

(b) Five members appointed by the Speaker of the Assembly, at least two of whom were members of the Committee on Ways and Means during the immediately preceding legislative session.

2. The members of the Committee shall elect a Chairman and Vice Chairman from among their members. The Chairman must be elected from one house of the Legislature and the Vice Chairman from the other house. After the initial election of a Chairman and Vice Chairman, each of those

officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the members of the Committee shall elect a replacement for the remainder of the unexpired term.

3. *The Chairman may appoint additional nonvoting advisory members as he deems necessary to facilitate the work of the Committee.*

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the Legislature.

~~{4.}~~ 5. Vacancies on the Committee must be filled in the same manner as the original appointments.

Sec. 2. NRS 218.53725 is hereby amended to read as follows:

218.53725 1. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee.

2. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary.

3. The Committee shall prescribe regulations for its own management and government.

4. Except as otherwise provided in subsection 5, six voting members of the Committee constitute a quorum.

5. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

6. Except during a regular or special session of the Legislature, the *voting* members of the Committee are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee. The salaries and expenses paid pursuant to this subsection and the expenses of the Committee must be paid from the Legislative Fund.

Sec. 3. NRS 218.53727 is hereby amended to read as follows:

218.53727 The Committee ~~{shall}~~ *may*:

1. Study and comment upon issues ~~{related to the}~~ *relating to*:

(a) *Youth and families within this State, including, without limitation:*

(1) *Programs for the provision of services to youth and families in this State;*

(2) *Methods to enhance such programs and to ensure that youth and families are receiving services in the most appropriate setting;*

(3) *Federal and state laws concerning youth and families;*

(4) *The availability of useful information and data as needed for the State of Nevada effectively to make decisions, plan budgets and monitor costs and outcomes of services provided to youth and families;*



(5) *Methods to increase the availability of such information and data;*

(6) *Compliance with federal requirements which affect youth and families; and*

(7) *Any other matters that, in the determination of the Committee, affect youth and families.*

(b) *The provision of child welfare services within this State, including, without limitation:*

~~[(a)]~~ (1) Programs for the provision of child welfare services;

~~[(b)]~~ (2) Licensing and reimbursement of providers of foster care;

~~[(c)]~~ (3) Mental health services; and

~~[(d)]~~ (4) Compliance with federal requirements.

2. Receive progress reports and testimony from the Division of Child and Family Services of the Department of Human Resources on the activities of each mental health consortium established pursuant to NRS 433B.333.

3. Conduct investigations and hold hearings in connection with its powers pursuant to this section.

4. Request that the Legislative Counsel Bureau assist in the study of issues related to *youth and families and* the provision of child welfare services within this State.

5. Make recommendations to the Legislature concerning ~~the~~ :

(a) *Issues involving youth and families within this State; and*

(b) *The manner in which the provision of child welfare services within this State may be improved.”*

Amend the bill as a whole by renumbering sections 2 and 3 as sections 6 and 7 and adding a new section designated sec. 5, following section 1, to read as follows:

“Sec. 5. Section 3 of Chapter 24, Statutes of Nevada 2003, at page 359, is hereby amended to read as follows:

Sec. 3. 1. This section and section 1 of this act become effective on October 1, 2003.

2. Section 1 of this act expires by limitation on June 30, ~~[2005.]~~ 2007.

3. Section 2 of this act becomes effective ~~[at 12:01 a.m.]~~ on July 1, ~~[2005.]~~ 2007.”.

Amend sec. 3, page 3, line 11, before “This” by inserting “1.”.

Amend sec. 3, page 3, after line 11, by inserting:

“2. Sections 1 and 2 of this act expire by limitation on June 30, 2007.”.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to the protection of children; revising the provisions governing the Legislative Committee on Children, Youth and Families; extending the prospective expiration of the Committee; requiring the Division of”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provision of child welfare services. (BDR 17-666)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 67.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Committee shall conduct a study of the child support collection process in this State. The study must include, without limitation:*

(a) *An evaluation of the current structure, method and processes used to enforce child support obligations in this State.*

(b) *Federal and state laws concerning the enforcement of child support obligations.*

(c) *Any other matters that, in the determination of the Committee, affect child support in this State.*

2. *The Committee may conduct investigations and hold hearings in connection with its powers pursuant to this section.*

3. *The Committee may request that the Legislative Counsel Bureau assist in the study.*

4. *The Committee shall make recommendations to the Legislature concerning the manner in which the child support collection process in this State may be improved.*

Sec. 2. NRS 218.5372 is hereby amended to read as follows:

218.5372 As used in NRS 218.5372 to 218.53727, inclusive, and section 1 of this act, “Committee” means the Legislative Committee on Children, Youth and Families.”

Amend the bill as a whole by renumbering sections 2 and 3 as sections 5 and 6 and adding a new section designated sec. 4, following section 1, to read as follows:

“Sec. 4. Section 3 of Chapter 24, Statutes of Nevada 2003, at page 359, is hereby amended to read as follows:

Sec. 3. 1. This section and section 1 of this act become effective on October 1, 2003.

2. Section 1 of this act expires by limitation on June 30, ~~{2005.}~~ 2007.

3. Section 2 of this act becomes effective ~~{at 12:01 a.m.}~~ on July 1, ~~{2005.}~~ 2007.”.

Amend sec. 3, page 3, line 11, before “This” by inserting “1.”.

Amend sec. 3, page 3, after line 11, by inserting:

“2. Sections 1 and 2 of this act expire by limitation on June 30, 2007.”.

Amend the title of the bill, third line, after “Families;” by inserting: “requiring the Committee to conduct a study of the child support collection process in this State;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provision of child welfare services. (BDR 17-666)”.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 168.

Amend section 1, page 3, by deleting lines 1 through 4.

Amend section 1, page 3, line 5, by deleting “(c)” and inserting “(a)”.

Amend section 1, page 3, line 8, by deleting “(d)” and inserting “(b)”.

Amend section 1, page 3, line 11, by deleting “(e)” and inserting “(c)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 118.

Bill read second time and ordered to third reading.

Assembly Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

Amend section 1, page 2, by deleting lines 15 through 27 and inserting:

“(c) *Has been adjudicated as mentally ill or has been committed to any mental health facility; or*

*(d) Is illegally or unlawfully in the United States.*

3. *Except as otherwise provided in this subsection, a child under 18 years of age shall not have in his possession or under his custody or control any electronic stun device. A child who is 14 years of age or older may have in his possession or under his custody or control any electronic stun device if the child:*

*(a) Has the permission of his parent or guardian to have in his possession or under his custody or control the electronic stun device; and*

*(b) Is not otherwise prohibited by law from having in his possession or under his custody or control the electronic stun device.*

4. *A person who violates the provisions of:*

*(a) Subsection 1 or paragraph (a) or (b) of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

*(b) Paragraph (c) or (d) of subsection 2 is guilty of a category D felony and shall be punished as provided in NRS 193.130.”.*

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 57.

Amend section 1, page 2, by deleting line 27 and inserting: “purchasing prescription drugs , *pharmaceutical services and, to the extent money is available, other services, including, without limitation, dental and vision services, and*”.

Amend sec. 2, page 3, by deleting line 13 and inserting: “*pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision*”.

Amend sec. 2, page 3, by deleting line 20 and inserting: “*pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision*”.

Amend sec. 2, page 5, by deleting lines 36 and 37 and inserting: “for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to”.

Amend sec. 3, page 6, by deleting line 8 and inserting: “drugs , ~~and~~ pharmaceutical services ~~and~~ *and, to the extent money is available, other benefits, including, without limitation, dental*”.

Amend sec. 3, page 7, by deleting lines 6 through 8 and inserting:

“6. If the Federal Government provides any coverage ~~of prescription~~ for:

*(a) Prescription drugs and pharmaceutical services ; or*

*(b) Other benefits, including, without limitation, dental or vision benefits, for senior citizens who are eligible for a”.*

Amend sec. 3, page 7, by deleting line 14 and inserting: “*pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision*”.

Amend the title of the bill by deleting the second and third lines and inserting: “Fund for a Healthy Nevada for the coverage of certain additional benefits, including dental and vision benefits, within the program of”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides subsidies from Fund for a Healthy Nevada for coverage of certain additional benefits, including dental and vision benefits, for certain senior citizens. (BDR 40-714)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 127 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 200.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

~~[The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution, constitutional amendment or statewide measure pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.]~~

Sec. 2. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall ~~{provide}~~ :

(a) *On or before the first Monday in October, post on his Internet website the full text of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with a copy of each of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218.443, 293.250 and 293.252; and*

(b) *Provide each county clerk with copies of the full text of any proposed constitution, constitutional amendment or statewide measure which will*

appear on the general election ballot, together with ~~{the copies}~~ *a copy of each* of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218.443, 293.250 and 293.252.

~~{2.}~~ Whenever feasible, ~~{he}~~ *the Secretary of State* shall provide ~~{those}~~ *the* copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

~~{3.}~~ 2. Each county clerk ~~{shall cause}~~ *may post on his Internet website or publish in any other manner* a copy of the full text of any such constitution, amendment or measure and its condensation, explanation, arguments, rebuttals and fiscal note . ~~{to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.}~~

~~4. If a copy is furnished by the Secretary of State too late to be published at 7 day intervals, it must be published three times at the longest intervals feasible in each county.~~

~~5. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions, constitutional amendments or statewide measures is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.]”.~~

Amend the title of the bill by deleting the second through fourth lines and inserting: “post on his Internet website certain information related to any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot in lieu of causing such information to be published in a newspaper; and providing other matters”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Secretary of State to post on his Internet website certain information related to proposed constitution, constitutional amendment or statewide measure in lieu of causing publication of such information. (BDR 24-418)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:  
Amendment No. 166.

Amend section 1, page 2, by deleting line 8 and inserting: “*building or structure that is used as a*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 201.

Amend sec. 2, page 2, line 36, by deleting: “an employee of the Health Division;” and inserting: “a member of the Governor’s Youth Advisory Council;”.

Assemblywoman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assemblywoman Buckley moved that upon return from the printer Assembly Bill No. 212 be rereferred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 216.

Bill read second time and ordered to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 181.

Amend section 1, page 1, line 3, by deleting “*eight*” and inserting “*nine*”.

Amend section 1, page 1, line 9, by deleting “Two” and inserting “~~Two~~ Three”.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 3, page 3, line 7, by deleting “member” and inserting “members”.

Amend sec. 3, page 3, line 9, by deleting: “an initial term” and inserting “initial terms”.

Amend the title of the bill, third and fourth lines, by deleting: “providing that the Chairman of the Commission may only vote to break ties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expands membership of Peace Officers’ Standards and Training Commission. (BDR 23-1326)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 368.

Bill read second time and ordered to third reading.

Assembly Bill No. 383.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 167.

Amend sec. 3, page 2, by deleting line 26 and inserting “388.380, *the*”.

Amend sec. 3, page 2, line 28, by deleting: “*for each career area*”.

Amend sec. 3, page 2, by deleting line 39 and inserting “*education; and*”.

Amend sec. 3, page 2, lines 44 and 45, by deleting: “*for the specific career area*”.

Amend sec. 3, page 3, by deleting line 9 and inserting “*technical education.*”.

Amend sec. 3, page 3, lines 12 and 13, by deleting: “*education for the specific career area.*” and inserting “*education.*”.

Amend sec. 3, page 3, line 16, by deleting “*internships*” and inserting: “*work-based experiences*”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 486.

Bill read second time and ordered to third reading.

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 524.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 524 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.



Assemblywoman Koivisto moved that Assembly Joint Resolution No. 3 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 39 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Parks.

Motion carried.

Assemblywoman Gansert moved that Assembly Bill No. 184 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Gansert.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 32 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 33 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 372 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 295 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 295

Bill read third time.

Remarks by Assemblymen Leslie, Smith, Hettrick, Anderson, and Buckley.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:14 p.m.

#### ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker presiding.

Quorum present.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 295 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 39.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 136.

Amend the bill as a whole by renumbering sec. 10 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. NRS 218.605 is hereby amended to read as follows:

218.605 1. Except as otherwise provided in subsection 2, it is unlawful for any member of the Legislature to:

(a) Become a named contractor or named subcontractor under any contract or order for supplies or any other kind of contract paid for in whole or in part by money appropriated by the Legislature of which he is a member for the State or any of its departments, or the Legislature or either of its houses, or to be interested, directly or indirectly, as principal, in any kind of contract so paid.

(b) Be interested in any contract made by the Legislature of which he is a member, or be a purchaser or interested in any purchase or sale made by the Legislature of which he is a member.

2. Any member of the Legislature may:

(a) Sell or enter into a contract to sell, to the State or any of its departments any item, commodity, service or capital improvement, if:

(1) The sources of supply for the item, commodity, service or capital improvement are limited;

(2) The contracting process is controlled by rules of open competitive bidding;

(3) He has not taken part in developing the plans or specifications for the sale or contract; and

(4) He will not be personally involved in opening, considering or accepting any bids for the sale or contract.

*If the sale or contract is exempt from the requirements of open competitive bidding, the member must not sell or enter into the contract to sell the item, commodity, service or capital improvement.*

(b) If he is not named in a contract, receive, as direct salary or wages, compensation for which the original source was a legislative appropriation to

any governmental entity or a private entity not owned or controlled by the Legislator.

(c) Receive, for services as an instructor or teacher from any county school district or the University and Community College System of Nevada, compensation for which the original source was a legislative appropriation to any governmental entity or a private entity not owned or controlled by the Legislator.

3. Any contract made in violation of subsection 1 may be declared void at the instance of the State or of any other person interested in the contract except the member of the Legislature prohibited in subsection 1 from making or being interested in the contract.

4. Any person violating subsection 1 is guilty of a gross misdemeanor and forfeits his office.

Sec. 11. NRS 281.505 is hereby amended to read as follows:

281.505 1. Except as otherwise provided in this section and NRS 281.555 and 332.800, a public officer or employee shall not bid on or enter into a contract between a governmental agency and any private business in which he has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board or commission, may, in the ordinary course of his business, bid on or enter into a contract with any governmental agency, except the board, commission or body of which he is a member, if he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the University and Community College System of Nevada may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers. *If the contract is exempt from the requirements of open competitive bidding, the public officer or employee must not bid on or enter into the contract.* If a public officer who is authorized to bid on or enter into a contract with a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281.501, shall disclose his interest in the contract and shall not vote on or advocate the approval of the contract.”.

Amend the title of the bill to read as follows:

“AN ACT relating to purchasing; providing a procedure for a bidder to file a notice of protest regarding certain contracts; expanding the criteria that may be used to select the lowest responsive and responsible bidder on certain contracts; expanding the types of contracts which by nature are not adapted to award by competitive bidding; clarifying the requirements concerning contracting by public officers and employees; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing purchasing by state and local governments. (BDR 27-560)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblymen Gerhardt, Carpenter, and Ohrenschall.

Roll call on Assembly Bill No. 21:

YEAS—42.

NAYS—None.

Assembly Bill No. 21 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 64:

YEAS—42.

NAYS—None.

Assembly Bill No. 64 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 89:

YEAS—42.

NAYS—None.

Assembly Bill No. 89 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 92:

YEAS—42.

NAYS—None.

Assembly Bill No. 92 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 295 be taken from  
the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 295:

YEAS—41.

NAYS—Giunchigliani.

Assembly Bill No. 295 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 106:

YEAS—41.

NAYS—Giunchigliani.

Assembly Bill No. 106 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 112:

YEAS—42.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 124:

YEAS—42.

NAYS—None.

Assembly Bill No. 124 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139

Bill read third time.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Pierce moved that Assembly Bill No. 139 be taken from  
the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 159:

YEAS—42.

NAYS—None.

Assembly Bill No. 159 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 162:

YEAS—42.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 166, 179, 181, 182, 187, 235, 256, 276, 346, 350, 377, 402, 421, 445, 470, 507; Assembly Joint Resolutions Nos. 4, 6, 12; Senate Bills Nos. 73, 132 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## UNFINISHED BUSINESS

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 94 and 95.

## 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 Kevin Brill.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Aric Brill, Karen Brill, Casandra Reid, Vern Kessinger, Michael Tiboni, Ashlyn Andrews, Desiree Buchanan, David Price, and Kathy Erickson.

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

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Adrienne Grimes.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Bake, Ellen Beckman, Gretchen Byers, Brittany Krukenberg, Kayla Luiz, Aubree McGiboney, Adam Perazzo, Jacob Perazzo, Ashley Sloan, John Stern, Steven Stern, Rebecca Winder, Kelly Frost, and Michelle Russell.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Giles-Reid.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Granger, Bruce Granger, and Mike Mullin.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Cowan and Matthew Wayerski.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb K. Cooper, Adam Carlton, Sarah Kessinger, and Justin Kelley.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Kylie Barth and Michael Sease.

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

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Briana Lloyd and Edith Robinson.

On request of Assemblyman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Delores Petrilena.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Sasha Oullett and Lindsay Whitney.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Joni Reid.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 14, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE  
*Chief Clerk of the Assembly*