

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 19, 2005

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

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, we woke up this morning to a blanket of snow. We ask the question Your Psalmist asked nearly twenty times. "How long, O Lord?" How long until we get a real spring? So, I pray today for spring to come inside—inside these walls and inside our hearts. Please give us renewed enthusiasm, compassionate spirits, and glowing smiles. You make life better. May we also. I pray gratefully in Your name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley 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 was referred Assembly Bill No. 343, 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 were referred Assembly Bills Nos. 363, 427 and 555, 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. 437, 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 were referred Assembly Bills Nos. 180, 279 and 395, 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 Government Affairs, to which was referred Assembly Bill No. 73, 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 Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 111, 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 Judiciary, to which were referred Assembly Bills Nos. 267, 274, 290 and 471, 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. 329, 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. 473, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 15, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 239, 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. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 18, 19.

CLAIRE J. CLIFT
Secretary of the Senate

SENATE CHAMBER, Carson City, April 19, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 19, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 347 and 556.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 388.

MARK STEVENS
Fiscal Analysis Division

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

Assembly Concurrent Resolution No. 21—Commending Evelyn Mount for her many years of dedicated service to the people of Reno and Sparks.

WHEREAS, Since 1979, thousands of families in northern Nevada have had food on their holiday tables thanks to the generosity and efforts of Evelyn Mount; and

WHEREAS, For 25 years, on Thanksgiving and again on Christmas, Evelyn Mount and her volunteers at Community Outreach have accepted donations of food and prepared and distributed bags and boxes with all the fixings for a holiday meal; and

WHEREAS, Community Outreach, cofounded by Evelyn and her late husband, Leon, is headquartered in Mount's garage at 2530 Cannan Street in Reno, which overflows with food donations as the holidays draw near and becomes a hub of activity as families approved by the organization drive in to pick up their food packages; and

WHEREAS, After the holiday rush, Evelyn slows down but continues to cook and deliver meals throughout the year for low-income seniors and grandparents raising grandchildren on tight budgets; and

WHEREAS, Born in Lundell, Arkansas, and raised in Louisiana and California, Evelyn Mount was surrounded by a family that passed on a desire to help others less fortunate than themselves; and

WHEREAS, When she is not actively dispensing food to those in need, Evelyn likes to garden, sew and make crafts, and she is also active in the Pilgrims Rest Baptist Church, where she assists in Sunday school every other week and sings in the choir; and

WHEREAS, After the death of her husband shortly before the 2002 holiday season, Evelyn continued her mission with the help of family, friends, neighbors and volunteer workers and has vowed to keep Community Outreach going in honor of Leon's memory; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Nevada Legislature recognizes the generosity of Evelyn Mount and commends her for her benevolent and tireless efforts to bring joy to others; and be it further

RESOLVED, That Evelyn's spirit of giving is an inspiration to the residents of Nevada to share their lives and good fortune with the people in their communities who need a helping hand; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Evelyn Mount, whose abiding kindness to her fellow travelers on this earth makes her an example for all to emulate.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblymen Smith and Anderson.

Resolution adopted.

Assemblywoman Smith moved that all rules be suspended and that Assembly Concurrent Resolution No. 21 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Senate Concurrent Resolution No. 18—Recognizing the mission and accomplishments of the Nevada Alliance for Chronic Disease Prevention.

WHEREAS, The prevalence of chronic disease is increasing throughout the United States and it is projected that more than half of all Nevadans will develop one or more chronic diseases in their lifetime, many of which will impact the quality of life for the person and his family; and

WHEREAS, Chronic disease is the cause of 70 percent of all deaths in Nevada; and

WHEREAS, The disabling conditions of many chronic diseases cause major limitations in activity for those afflicted and can result in costly, ongoing medical care; and

WHEREAS, With a vision of improving community health and decreasing the prevalence of chronic disease in Nevada, the Health Division of the Department of Human Resources, the Clark County Health District and the Washoe County District Health Department joined forces in 2002 to form the Nevada Alliance for Chronic Disease Prevention; and

WHEREAS, Since its formation, the Alliance has made steps toward reducing the incidence of chronic disease in Nevada, which include increasing communication between public health agencies and other partners to enhance the gathering and sharing of data on chronic diseases and their prevention and leveraging the use of funding for chronic disease programs; and

WHEREAS, Aided by valuable contributions from the University and Community College System of Nevada, the Department of Education, HealthSmart in Carson City, Great Basin Primary Care Association, members of the Intertribal Council of Nevada and other agencies and organizations throughout Nevada, the Alliance is promoting education and early detection to reduce the incidence of chronic diseases and their tragic consequences; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the Health Division of the Department of Human Resources, the Clark County Health District and the Washoe County District Health Department for their vision of cooperation among Nevada agencies and organizations that led to the formation of the Nevada Alliance for Chronic Disease Prevention; and be it further

RESOLVED, That the Alliance is recognized for its ongoing efforts to promote health and wellness through communication and partnership with organizations that encourage healthy lifestyles through education; and be it further

RESOLVED, That the Alliance is encouraged to continue moving forward in the prevention of chronic disease in Nevada and a reduction in the burden these diseases place on all Nevadans; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Alex Haartz, Administrator of the Health Division of the Department of Human Resources, Donald Kwalick, M.D., Chief Health Officer for Clark County Health District and Barbara Hunt, Health Officer for Washoe County District Health Department.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

Resolution adopted.

Assemblywoman Ohrenschall moved that Assembly Bill No. 216 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 505 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assemblywoman Pierce moved that Assembly Bill No. 65 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 221 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 406 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 143 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

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

“Section 1. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children or a regional facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine*

whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of section 4 of this act.

Sec. 2. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the detention of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.*

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of section 4 of this act.

Sec. 4. 1. *Each local facility for the detention of children and regional facility for the detention of children shall conduct the screening required pursuant to sections 1 and 3 of this act using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:*

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children and regional facility for the detention of children shall submit its method for conducting the screening required pursuant to sections 1 and 3 of this act to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children or regional facility for the detention of children may begin using a new method for conducting the screening required pursuant to section 1 or 3 of this act, the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to sections 1 and 3 of this act that is submitted by a local facility for the detention of children or a regional facility for the detention of children, and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which

administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and sections 1 and 3 of this act.

5. Each state facility for the detention of children shall use a method for conducting the screening required pursuant to section 3 of this act that satisfies the requirements of paragraphs (a) and (b) of subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.

6. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and sections 1 and 3 of this act, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to section 1 or 3 of this act; and

(b) Protecting the confidentiality of information obtained from such screening.”.

Amend sec. 2, page 2, lines 24 and 32, by deleting “*section 1*” and inserting: “*sections 3 and 4*”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 2, to read as follows:

“*Sec. 6. 1. Notwithstanding the provisions of section 4 of this act, each local facility for the detention of children and regional facility for the detention of children:*

(a) Until July 1, 2006, may use its method of conducting the screening required pursuant to sections 1 and 3 of this act without first obtaining approval;

(b) On or before July 1, 2006, shall submit to the Division of Child and Family Services of the Department of Human Resources for approval its method for conducting the screening required pursuant to sections 1 and 3 of this act; and

(c) If it has submitted its method in accordance with paragraph (b), may use its method of conducting the screening required pursuant to sections 1 and 3 of this act without first obtaining approval until the later of:

(1) July 1, 2006; or

(2) The date on which the Division of Child and Family Services of the Department of Human Resources disapproves the method.

2. As used in this section:

(a) "Local facility for the detention of children" has the meaning ascribed to it in NRS 62A.190.

(b) "Regional facility for the detention of children" has the meaning ascribed to it in NRS 62A.280."

Amend sec. 4, page 3, line 1, by deleting "1" and inserting "4".

Amend sec. 4, page 3, line 4, by deleting: "2 and 3" and inserting: "1, 2, 3, 5, 6 and 7".

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

"AN ACT relating to juvenile justice; requiring certain children referred to the system of juvenile justice to be screened for mental health and".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain children referred to system of juvenile justice to be screened for mental health and substance abuse problems. (BDR 5-194)".

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. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 63.

Amend section 1, page 2, line 2, by deleting: "section 2 and 3" and inserting: "sections 2 to 7, inclusive,".

Amend the bill as a whole by deleting sections 2 through 4, renumbering sec. 5 as sec. 8 and adding new sections designated sections 2 through 7, following section 1, to read as follows:

"Sec. 2. 1. *The natural parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:*

(a) *The child and his natural parent or parents;*

(b) *The adoptive parent or parents and the natural parent or parents; or*

(c) *Any combination thereof.*

2. *An agreement that provides for postadoptive contact is enforceable if the agreement:*

(a) *Is in writing and signed by the parties; and*

(b) *Is incorporated into an order or decree of adoption.*

3. *The identity of a natural parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the natural parent must be provided in the agreement.*

4. *A court that enters an order or decree of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction*

to enforce, modify or terminate the agreement that provides for postadoptive contact until:

- (a) *The child reaches 18 years of age;*
- (b) *The child becomes emancipated; or*
- (c) *The agreement is terminated.*

5. *The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127.160.*

Sec. 3. 1. *Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 2 of this act shall notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order or decree of adoption of the child.*

2. *Each:*

(a) *Director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and*

(b) *Attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,*

shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act, notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement.

Sec. 4. 1. *Before a court may enter an order or decree of adoption of a child, the court must address in person:*

(a) *Each prospective adoptive parent of the child to be adopted;*

(b) *Each director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and*

(c) *Each attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,*

and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act.

2. *If the court determines that the prospective adoptive parent or parents and the natural parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:*

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order or decree of adoption.

Sec. 5. 1. A natural parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may, for good cause shown:

(a) Petition the court that entered the order or decree of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order or decree of adoption; and

(b) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may:

(a) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act; and

(b) Petition the court that entered the order or decree of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 7 of this act.

Sec. 6. 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may not be used as a ground to:

(a) Set aside an order or decree of adoption;

(b) Revoke, nullify or set aside a valid release for or consent to an adoption or a relinquishment for adoption; or

(c) Except as otherwise provided in section 11 of this act, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 7. 1. An agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order or decree which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) *The contact provided for in the agreement is no longer in the best interests of the child; or*

(b) *Each party to the agreement consents to the modification or termination.*

2. *If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:*

(a) *There is a presumption that the modification or termination is in the best interests of the child; and*

(b) *The court may consider the wishes of the child involved in the agreement.*

3. *Any order issued pursuant to this section to modify an agreement that provides postadoptive contact:*

(a) *May limit, restrict, condition or decrease contact between the parties involved in the agreement; and*

(b) *May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.”.*

Amend sec. 5, page 3, line 29, by deleting “and 3” and inserting: “to 7, inclusive,”.

Amend the bill as a whole by renumbering sec. 6 as sec. 10 and adding a new section designated sec. 9, following sec. 5, to read as follows:

“Sec. 9. NRS 127.140 is hereby amended to read as follows:

127.140 1. All hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except ~~upon~~ :

(a) *Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor ~~for it~~ ;*

(b) *If a natural parent and the child are eligible to receive information from the State Register for Adoptions ~~;~~ ; or*

(c) *As provided pursuant to subsections 3, 4 and 5.*

3. *An adoptive parent who intends to file a petition pursuant to section 5 or 7 of this act to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.*

4. *A natural parent who intends to file a petition pursuant to section 5 of this act to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to section 11 of this act may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.*

5. *The portions of the files and records which are made available for inspection by an adoptive parent or natural parent pursuant to subsection 3 or 4 must not include any confidential information, including, without*

limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact.”.

Amend sec. 6, page 3, line 35, by deleting “section 3” and inserting: “sections 2 to 7, inclusive,”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 6, to read as follows:

“Sec. 11. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A natural parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may bring a civil action against a person if:*

(a) The person knowingly provided false information in response to a question asked by a court pursuant to section 4 of this act; and

(b) The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to section 4 of this act.

2. *If a person is liable to a natural parent of an adopted child pursuant to subsection 1, the natural parent may recover his actual damages, costs, reasonable attorney’s fees and any punitive damages that the facts may warrant.*

3. *The liability imposed by this section is in addition to any other liability imposed by law.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to adoption; providing a procedure for parties to an adoption to enter into an enforceable agreement that provides for postadoptive contact; requiring certain persons to notify the court of the existence of such an agreement; authorizing a natural parent who has entered into such an agreement to petition the court to prove the existence of the agreement, to enforce its terms and to bring certain civil actions related to the agreement; authorizing an adoptive parent who has entered into such an agreement to petition the court to enforce the terms of the agreement and to modify or terminate the agreement; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides certain procedures relating to agreements for postadoptive contact. (BDR 11-457)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Giunchigliani, and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 321.

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

“Section 1. NRS 393.0717 is hereby amended to read as follows:

393.0717 1. The board of trustees of ~~the~~ *each* school district shall ~~make~~ *prescribe* all necessary regulations for the use of school buildings and grounds for civic meetings and recreational activities, and for the aid, assistance and encouragement of recreational activities ~~[-~~

~~2.—The] in furtherance of the provisions of NRS 393.071 to 393.0719, inclusive.~~

2. *Except as otherwise provided in subsection 3, the use of any school buildings or grounds for any meeting or recreational activity is subject to such reasonable regulations as the board of trustees prescribes.*

3. *The board of trustees of a school district that is located in a county whose population is 400,000 or more shall adopt regulations that:*

(a) Establish a policy for granting the use of school buildings, grounds and equipment without charge to organizations that meet the requirements of subsection 4 of NRS 372.3261; and

(b) Establish a policy that outdoor school grounds and recreational areas, including, without limitation, playgrounds and sports fields, are available for use by the general public during times that are not regular school hours.

Sec. 2. On or before March 31, 2006, the board of trustees of a school district that is located in a county whose population is 400,000 or more shall adopt regulations to carry out the provisions of subsection 3 of section 1 of this act.”.

Amend the title of the bill to read as follows:

“AN ACT relating to school property; requiring the boards of trustees of certain larger school districts to adopt regulations exempting certain nonprofit educational organizations from charges associated with the use of school property and allowing the use by the general public of outdoor school grounds; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires boards of trustees of certain school districts to establish policies governing use of school property without charge. (BDR 34-842)”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 299.

Amend section 1, page 1, by deleting lines 8 through 12 and inserting:

“2. A manufacturer of a new motor vehicle which is sold or leased in this State and which is equipped with an event recording device shall affix a label in a prominent place on the vehicle disclosing the fact that the motor vehicle is equipped with an event recording device. A manufacturer of a new motor vehicle who discloses on the label required by 15 U.S.C. §§ 1231 et seq. the fact that the motor vehicle is equipped with an event recording device shall be deemed to have complied with this subsection.”.

Amend section 1, page 2, line 29, by deleting “(b)” and inserting “(a)”.

Amend section 1, page 2, by deleting line 36.

Amend section 1, page 2, line 37, by deleting “(b)” and inserting “(a)”.

Amend section 1, page 3, line 7, by deleting “(c)” and inserting “(b)”.

Amend section 1, page 3, line 9, by deleting “(d)” and inserting “(c)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 440.

Bill read second time and ordered to third reading.

Assembly Bill No. 465.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 357.

Amend section 1, page 1, by deleting line 4 and inserting: *“in any conveyance or upon any premises wherein a”.*

Amend section 1, page 1, by deleting line 9 and inserting: *“in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity; or”.*

Amend section 1, page 2, by deleting line 3 and inserting: *“in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity.”.*

Amend the title of the bill by deleting the second and third lines and inserting: *“from allowing a child to be present in any conveyance or upon any premises wherein certain crimes”.*

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits person from allowing child to be present in any conveyance or upon any premises wherein certain crimes involving controlled substances other than marijuana are committed. (BDR 40-112)”.

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. 469.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 356.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. This bill becomes effective upon passage and approval.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 94.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 51 be placed on the Chief Clerk’s desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk’s desk.

SECOND READING AND AMENDMENT

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 313.

Amend sec. 2, page 2, line 2, by deleting: “2, 3 and 4” and inserting “2 and 3”.

Amend sec. 2, page 3, line 1, by deleting “*copy*” and inserting “*summary*”.

Amend sec. 2, page 3, by deleting lines 2 and 3 and inserting: “*which the offer of compensation is based at the time the offer is made.*”.

Amend sec. 2, page 3, by deleting line 10 and inserting:

“(2) *The nature of the intended redevelopment, at the time of the written offer, for which the property.*”.

Amend sec. 2, page 3, by deleting lines 14 and 15 and inserting:

“(4) *That the agency has provided a summary of the appraisal report upon which the offer of compensation is based and the location of the office of the agency where the owner may review the full appraisal report;*

(5) *That the agency will provide copies,*”.

Amend sec. 2, page 3, lines 17 and 18, by deleting “*and (5)*” and inserting:

“(6) *That the agency will provide the owner with a full copy of the agency’s appraisal report in exchange for a full copy of an appraisal report of an appraisal performed on behalf of the owner; and*

(7)”.

Amend sec. 2, page 3, by deleting lines 21 through 23 and inserting: *“acquired plus damages, if any, as appraised by the agency.”*.

Amend sec. 2, page 3, line 32, after *“to”* by inserting: *“or served upon”*.

Amend sec. 2, pages 3 and 4, by deleting lines 37 through 44 on page 3 and lines 1 through 10 on page 4.

Amend sec. 3, page 4, by deleting lines 15 through 19 and inserting: *“the redevelopment must negotiate in good faith with the owner of the property to reach an agreement to purchase the property from the owner of the property.”*.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 8 as sections 4 through 7.

Amend sec. 5, page 4, line 32, by deleting: *“2, 3 and 4”* and inserting *“2 and 3”*.

Amend sec. 7, page 5, lines 35 and 36, by deleting: *“sections 2 and 3”* and inserting *“section 2”*.

Amend sec. 8, page 6, by deleting lines 2 and 3 and inserting:

“279.471 1. ~~In a county whose population is 100,000 or more, an~~ An agency may exercise the power of eminent domain to acquire”.

Amend sec. 8, page 6, by deleting line 11 and inserting: *“section 2 of this act.”*.

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 8.

Amend sec. 10, page 6, line 39, by deleting: *“October 1, 2005.”* and inserting: *“the effective date of this act.”*.

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

“Sec. 9. The amendatory provisions of section 5 of this act do not apply to a redevelopment area that is adopted by a governing body before the effective date of this act, but do apply to any annexations thereto that are adopted by the governing body on or after the effective date of this act.

Sec. 10. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to property; establishing certain requirements that a redevelopment agency must meet before commencing an eminent domain proceeding against a property owner; making various changes concerning factors characterizing a blighted area for purposes of the Community Redevelopment Law; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 505.

Bill read third time.

The following amendment was proposed by Assemblyman Ocegueda:

Amendment No. 320.

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

“Sec. 4. NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The Chief of the Consumer Affairs Division is the Commissioner of Consumer Affairs, the Chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the Chief of the Housing Division is the Administrator of the Housing Division, the Chief of the Manufactured Housing Division is the Administrator of the Manufactured Housing Division, the Chief of the Real Estate Division is the Real Estate Administrator, the Chief of the Division of Insurance is the Commissioner of Insurance, the Chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the Chief of the Office of Labor Commissioner is the Labor Commissioner, the Chief of the Taxicab Authority is the Taxicab Administrator, the Chief of the Transportation Services Authority is the ~~Chairman~~ Commissioner of the Authority, the Chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services,

dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the Director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the Department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by him pursuant to chapters 348A and 349 of NRS. Except as otherwise provided by specific statute, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the Department to perform any of the duties or responsibilities, or exercise any of the authority, of the Director on his behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 18 and 19 and adding new sections designated sections 7 through 17, following sec. 5, to read as follows:

“Sec. 7. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

“Commissioner” means the Commissioner of the Authority.

Sec. 8. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, *and section 7 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 706.1511 is hereby amended to read as follows:

706.1511 1. The Transportation Services Authority is hereby created ~~{-}~~ *within the Department of Business and Industry.*

2. ~~The {Authority consists of three members appointed by the Governor. After the initial term each member shall serve}~~ *Commissioner is the chief officer of the Authority. The Governor shall appoint the Commissioner for a term of 4 years.*

3. ~~The {Governor shall appoint to the Authority members who} person appointed as Commissioner:~~

(a) *Must* have at least 2 years of experience in one or more of the following fields:

~~{(a)}~~ (1) Accounting.

~~{(b)}~~ (2) Business administration.

~~{(c)}~~ (3) Economics.

~~{(d)}~~ (4) Administrative law.

~~{(e)}~~ (5) Transportation.

~~{(f)}~~ (6) Professional engineering.

~~{(At least one but not more than two of the members appointed must be residents of Clark County.~~

~~4.—Not more than two of the members may be:~~

~~(a) Members of the same political party.~~

~~(b) From the same field of experience.~~

~~5.—All of the members must be persons who are}~~

(b) *Must be* independent of the industries regulated by the Authority. ~~{No}~~

(c) *Must not be* an elected officer of this State or any political subdivision ~~{is eligible for appointment.~~

~~6.—The members of the Authority shall give their} of this State.~~

4. *The Commissioner shall devote his entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.*

~~{7.—Each member of the Authority}~~

5. *The Commissioner serves at the pleasure of the Governor.*

Sec. 10. NRS 706.1512 is hereby amended to read as follows:

706.1512 ~~{1. The Governor shall designate one of the members of the Authority to be Chairman. The Chairman is the Executive Officer of the Authority and serves at the pleasure of the Governor.~~

~~2. The members of the Authority are}~~ *The Commissioner is* in the unclassified service of the State.

Sec. 11. NRS 706.1513 is hereby amended to read as follows:

706.1513 The ~~{Authority}~~ *Commissioner* may sue and be sued in the name of the Transportation Services Authority.

Sec. 12. NRS 706.1514 is hereby amended to read as follows:

706.1514 1. ~~{A majority of the members of the Authority}~~ *The Commissioner* may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs ~~{,}~~ and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.

2. Except as otherwise provided in this subsection, public hearings must be conducted by ~~{one or more members of the Authority.}~~ *the Commissioner*. An administrative proceeding conducted pursuant to subsection 2 of NRS 706.771 may be conducted by a hearing officer designated by the ~~{Chairman of the Authority.}~~ *Commissioner*.

Sec. 13. NRS 706.1515 is hereby amended to read as follows:

706.1515 1. Any common or contract carrier subject to the jurisdiction of the Authority that elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the Authority for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of ~~{members of the Authority}~~ *the Commissioner* and staff, for investigations, inspections and audits required to be performed outside this State.

2. The assessments provided for by this section must be determined by the Authority upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the Authority relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

Sec. 14. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The Transportation Services Authority Regulatory Fund is hereby created as a special revenue fund. All money collected by the Authority pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The ~~{salaries,}~~ salary, travel expenses and subsistence allowances of the ~~{members of the Authority.}~~ Commissioner.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 15. NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, ~~{any member of the Authority}~~ the Commissioner or any officer or employee of the Authority who is designated by the ~~{Authority}~~ Commissioner may examine during the regular business hours the books, accounts, records, minutes, papers and property of any person who is regulated by the Authority and who does business in this State, whether or not the book, account, record, minutes, paper or property is located within this State.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the Authority determines that the examination is required to protect the interests of the public.

3. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 16. NRS 706.176 is hereby amended to read as follows:

706.176 The ~~{Authority}~~ Commissioner may:

1. Appoint ~~{a Deputy who serves}~~ such deputy commissioners as are required by the Commissioner. Each deputy commissioner serves in the unclassified service of the State.

2. Employ such other personnel as may be necessary.

Sec. 17. NRS 706.2875 is hereby amended to read as follows:

706.2875 1. Any party is entitled to an order by the Authority for the appearance of witnesses or the production of books, papers and documents containing material testimony.

2. Witnesses appearing upon the order of the Authority are entitled to the same fees and mileage as witnesses in civil actions in the courts of this State, and the fees and mileage must be paid out of the State Treasury in the same

manner as other claims against the State are paid. No fees or mileage may be allowed unless the ~~[Chairman of the Authority]~~ *Commissioner* certifies the correctness of the claim.”.

Amend sec. 7, page 4, line 37, by deleting: “1 to 5, inclusive,” and inserting: “1, 2, 3, 5 and 6”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; reorganizing the Transportation Services Authority; providing for the appointment of the Commissioner of the Transportation Services Authority as the Chief of the Authority; revising the procedure pursuant to which vehicles are registered under the Interstate Highway User Fee Apportionment Act; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to registration of certain motor vehicles and reorganizes Transportation Services Authority. (BDR 43-973)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 216.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Buckley, Angle, and Carpenter.

Conflict of interest declared by Assemblymen Carpenter and Angle.

Roll call on Assembly Bill No. 216:

YEAS—25.

NAYS—Allen, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Horne, Mabey, Marvel, Seale, Sherer, Sibley, Weber—15.

NOT VOTING—Angle, Carpenter—2.

Assembly Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 234:

YEAS—42.

NAYS—None.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 12:18 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblywoman Buckley.

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

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Assembly Bill 248 requires the Department of Human Resources to apply to the United States Secretary for Health and Human Services for an amendment to our state Home and Community Based Waiver under Medicaid. Basically, the amendment would authorize the department to cover assisted living services for senior citizens who are residing in housing built by our public-sector housing resources, such as being funded by low-income housing tax credits, HOME (Department Investment Partnerships Program) dollars, CDBG (Community Development Block Grant) dollars, and the like. How it would work is that the Bureau of Licensure and Certification would address the services that are provided, the quality of care; the Housing Division's responsibilities are intended to relate primarily to the issues the Division normally addresses, and that is whether it is actually serving low-income residents.

The second part of the bill reserves \$50,000 annually from the Fund for a Healthy Nevada to allow the Department of Human Resources to provide funding to finance non-profit assisted living projects, as well as the services that are needed on assisted living projects.

We have a dichotomy in our state. If you are wealthy, you can afford a lot of options as you age. There are many ways to avoid nursing homes, such as some beautiful assisted living projects that are available in our state. But if you do not have \$3,000 to \$4,000 a month to pay for them, and all you have is your Social Security check, you have two choices: stay in your home past the point that it has become dangerous or go into a nursing home. This bill is intended to give more choices to many of the people we represent. It will further the non-profit assisted segment, similar to our non-profit housing developers. This will focus on assisted living. It is to give a little bit of seed money to allow these projects to go forward and it will require our state to apply for a waiver so that these projects can get the services they need to make them work. It's one step to try to provide more options, so that seniors can age in place with dignity, without being forced to move to a nursing home when they age.

Roll call on Assembly Bill No. 248:

YEAS—42.

NAYS—None.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 323.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 323:

YEAS—42.

NAYS—None.

Assembly Bill No. 323 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblymen Atkinson, Horne, and Claborn.

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

Roll call on Assembly Bill No. 379:

YEAS—42.

NAYS—None.

Assembly Bill No. 379 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 381:

YEAS—40.

NAYS—Anderson, Parks—2.

Assembly Bill No. 381 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 470:

YEAS—42.

NAYS—None.

Assembly Bill No. 470 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 474:

YEAS—42.

NAYS—None.

Assembly Bill No. 474 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of histories on General
File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 503.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 503:

YEAS—42.

NAYS—None.

Assembly Bill No. 503 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Remarks by Assemblymen Ocegüera and Hettrick.

Roll call on Assembly Bill No. 507:

YEAS—42.

NAYS—None.

Assembly Bill No. 507 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 509:

YEAS—42.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 510:

YEAS—42.

NAYS—None.

Assembly Bill No. 510 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 519:

YEAS—42.

NAYS—None.

Assembly Bill No. 519 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblymen Parnell and Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 527:

YEAS—42.

NAYS—None.

Assembly Bill No. 527 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 531:

YEAS—42.

NAYS—None.

Assembly Bill No. 531 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 537:

YEAS—42.

NAYS—None.

Assembly Bill No. 537 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 547:

YEAS—42.

NAYS—None.

Assembly Bill No. 547 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Joint Resolution No. 4:

YEAS—38.

NAYS—Carpenter, Hettrick, Marvel, Sherer—4.

Assembly Joint Resolution No. 4 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 6 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Joint Resolution No. 9:

YEAS—41.

NAYS—Angle.

Assembly Joint Resolution No. 9 having received a constitutional majority,

Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 10:

YEAS—39.

NAYS—Carpenter, Marvel, Sherer—3.

Assembly Joint Resolution No. 10 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Joint Resolution No. 12:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 12 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Joint Resolution No. 14:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 14 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16.

Resolution read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Joint Resolution No. 16:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 16 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 73:

YEAS—42.

NAYS—None.

Senate Bill No. 73 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 132:

YEAS—42.

NAYS—None.

Senate Bill No. 132 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, 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: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 382, 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*

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

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:15 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

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

Thank you, Mr. Speaker. April 19 marks the national observance of Equal Pay Day, the day when men and women across the country recognize the wage gap between working men and women. The month of April has been chosen to indicate how far each year a woman must work to earn as much as a man earned in the previous year.

Tuesday symbolizes the day when a woman's wages catch up to a man's wages from the previous week. It has been 42 years since the passage of the Federal Equal Pay Act of 1963 and 41 years since the passage of Title VII of the Federal Civil Rights Act of 1964, and American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience.

If women were paid the same as men who work the same number of hours, have the education, the same union status, are the same age, and live in the same region of the country, the annual family income of each of these women would rise by \$4,000, and the number of families who live below the poverty line would be reduced by half.

According to statistics released in 2004 by the U.S. Census Bureau, year-round, full-time working women in 2003 earned only 76 percent of the earnings of the year-round, full-time working men. The gap between median earning of full-time, year-round workers widened in 2003, with women's earnings 76 percent of men's, down from 77 percent in 2002. The last time the female-to-male earnings ratio declined was 1998 to 1999.

Median earnings for women of color continue to be lower, in general, than earnings for men as a whole. In 2003, African-American women's earnings were 66 percent of men's earnings, Latinas' earnings were 55 percent of men's earnings, and Asian-American women are the only group that fares better, with earnings at 80 percent of men's.

Women in Nevada do slightly better than the national average. According to the data from the 2002 Current Population Survey on median annual earnings of full-time workers, Nevada women earn 77 percent of men's earnings.

Equal Pay Day is also about equal work, and also about the old phrase, "What's in a name?" I want to commend the Assistant Majority Leader today for bringing a bill forward that deals with the sensitivity of the issue of "What's in a name?"

Today in Congress, the Paycheck Fairness Act is being re-introduced to strengthen equal pay protection through better enforcement, and the Fair Pay Act will be filed to address the problem of lower wages in fields dominated by women and people of color. Four decades since the passage of the Equal Pay Act, these pieces of legislation are still necessary to keep paychecks from coming up too short.

There are several organizations in the gallery today, Mr. Speaker, if they would please stand. They are wearing the color red. I unfortunately did not get the memo in time, but I do appreciate the loan of the scarf. Some of the organizations represented here are the American Association of University Women; Business and Professional Women; League of Women Voters; Nevada Women's Lobby; Progressive Leadership Alliance of Nevada; SNEA/AFSCME Local 4041; Culinary Union No. 226; and the Culinary Health Trust Fund. I would like to make those guests welcome and thank them for reminding us that our work is still not done. Thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 13 of the 72nd Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

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

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Davis, Lydia Hoffman, and Lidia Davis.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Reba Burton.

On request of Assemblyman Arberry Jr., the privilege of the floor of the Assembly Chamber for this day was extended to Verlia Davis-Hoggard.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Kaufman.

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

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

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

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Phyllis Sargent.

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

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Andi Arthurholz and Armando Denis.

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

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

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

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Etcheverria.

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

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

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bobie Delaney, Doug Henning, and Josefa Henning.

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

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Bud Fujii.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Felton Thomas.

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

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

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Scottie Wallace, Alex Haartz, Barbara Hunt, Lawrence Sands, and Jeanne Palmer.

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

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

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

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanette Moore and John Merrill.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Andrews.

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

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

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

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Foust.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Harrington, Charlyn Lewis, Ann Whitney, Gretchen Stermer, Mary Burgeson, Matthew Right, Roberta Studwell, Jennifer Gross, Tom Boone, Kevin Clanton, Karen Byrd, Cristin Haake, Sandy Marz, Judy Chalmers, Carol Wallace, Nikki Britt, Randy Snyder, Susan Antipa, and Martha Greene.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Mildred Hart.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Mae Giaimo.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Dunn.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Bell.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Martha Greene and Evelyn Mount.

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

Assemblywoman Buckley moved that the Assembly adjourn until April 20, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:20 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly