

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 13, 2005

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Hardy, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

For the members of this Body, we ask Your guidance. But we do not want to forget the support personnel who make it possible for these women and men to function as they do. We thank You today for all the staff who work so faithfully to do the work behind the scenes. For the secretaries and clerks and, yes, even the janitors. We lift up those at the Front Desk who work so hard each day; for our Chief Clerk and all her helpers, we give You thanks.

Help us always to be grateful for those around us who give us support for what we do.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegueda 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 Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bill No. 19; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 321, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 169, 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 193, 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 Transportation, to which was referred Senate Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 290, 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 Senate 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.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 533; Senate Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 303 be rereferred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 689 to Senate Bill No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 420.

GARY GHIGGERI
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time and ordered to third reading.

Senate Bill No. 91.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time.

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

Amendment No. 715.

Amend sec. 3, page 2, line 16, by deleting “D” and inserting “E”.

Amend sec. 5, page 2, line 43, by deleting “D” and inserting “E”.

Amend sec. 5, page 3, line 4, by deleting “D” and inserting “E”.

Amend sec. 6, page 3, line 25, by deleting “D” and inserting “E”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 235.

Bill read second time and ordered to third reading.

Senate Bill No. 261.

Bill read second time.

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

Amendment No. 716.

Amend sec. 18, page 4, line 36, by deleting “~~and~~” and inserting “and”.

Amend sec. 18, pages 4 and 5, by deleting lines 39 through 44 on page 4 and lines 1 through 3 on page 5, and inserting: “signs stating “Warning: Avalanche Danger Area.”

2. ~~{A skiing}~~ An operator shall equip vehicles it uses on or in the vicinity”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 297.

Bill read second time and ordered to third reading.

CONSENT CALENDAR

Senate Bill No. 270.

Bill read by number.

Roll call on Senate Bill No. 270:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 249.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 739.

Amend the bill as a whole by deleting sec. 28 and adding new sections designated sections 28 through 28.7, following secs. 26 and 27, to read as follows:

“Sec. 28. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 28.3 and 28.7 of this act.

Sec. 28.3. *The Department of Motor Vehicles may adopt such regulations as it deems necessary to ensure compliance with all applicable laws relating to the processing of liens for storing, maintaining, keeping or repairing vehicles required to be registered with the Department pursuant to chapter 482 of NRS.*

Sec. 28.7. 1. *The Department of Motor Vehicles may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 108.265 to 108.360, inclusive, and sections 28.3 and 28.5 of this act, or any regulation or order adopted or issued pursuant thereto by the Department. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. *All administrative fines collected by the Department of Motor Vehicles pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.*

3. *In addition to any other remedy provided by this chapter, the Department of Motor Vehicles may compel compliance with any provision of NRS 108.265 to 108.360, inclusive, and sections 28.3 and 28.7 of this act, and any regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.”.*

Amend sec. 29, page 11, line 3, by deleting: “27 and 28” and inserting: “28.3 and 28.7”.

Amend sec. 29, page 11, line 5, by deleting: “and section 27 of this act,”.

Amend the bill as a whole by adding new sections designated sections 45 and 46, following sec. 44, to read as follows:

“Sec. 45. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles to defray any administrative costs

incurred by the Department in enforcing the provisions of NRS 108.265 to 108.360, inclusive, and sections 28.3 and 28.7 of this act relating to liens for storing, maintaining, keeping or repairing vehicles required to be registered with the Department of Motor Vehicles pursuant to chapter 482 of NRS:

For the Fiscal Year 2005-2006 \$234,644

For the Fiscal Year 2006-2007 \$198,530

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State Highway Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 46. 1. This section and sections 28 to 29, inclusive, and 45 of this act become effective on July 1, 2005.

2. Sections 1 to 27, inclusive, and 30 to 44, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill, twentieth line, after “penalties;” by inserting: “making an appropriation;”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

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

Senate Bill No. 43.

Bill read third time.

Remarks by Assemblyman Holcomb.

Roll call on Senate Bill No. 43:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 199:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 417.

Bill read third time.

Roll call on Senate Bill No. 417:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 449.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 449:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11 of the 72nd Session.

Resolution read third time.

Remarks by Assemblymen McCleary and Hettrick.

Roll call on Senate Joint Resolution No. 11 of the 72nd Session:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Anderson, Eddie Anderson, Peggy Nolan and Paddy Nolan.

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

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Hoffman, Christy Shultz, Benjamin Browning, Brayden Campbell, C.J. Davis, Lauren Ferro, Nick Fickle, Gumaro Gomez, Becky Grabow, Amanda Hancock, Tim Klekar, Victoria Lopez, Conner Love, Hunter McEachin, Joey Petrali, Raenna Ramos, Bradley Roberts, Adeleima Robles, April Rodriguez, Maguy Sandoval, Ethan Shultz, Chelsea Wilson, Alayna Ynacay-Nye, Stavey Chambers, Joseph Capalbo, Johnathon Mora, Jr., Brenda Estrada, John “Eric” Ezell, Ashley Hannah, McKenzie Hash, Thomas Mendez, Shawn Judd, Miranda Korhummel, Beverly Stevenson, Troy MacDonald, Monica Meza, Kyle Morrison,

Jacquelyn Oakden, Nicholas Martin, Logan Chaffer, Amanda Smith, Weston Stainbrook, Evan Humphrey, Nathaniel Prieto, Mrs. Jan Matts, Zaina Awali, Jessica Carrasco, Adrian Duenas, Cassandra Evans, Ashley Furno, Jaime Garcia, Cahse Gonzales, Jessica Hancock, Haley Hannah, Caymen Hoshizaki, Christian Lindbeck, Amber Martinez, Kody Miller, Jason Otranto, Nick Pilant, Time Provan, Dannielle Stempinski, Tyler VanRoy, Savannah Wood, Dakota Howell, Mande Pope, Cindy Grabow, Darcy Otranto, and Stephen Provan.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Flaherty, Anne Marie McKeon, and Ron Schmitt.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 16, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly