

THE ONE-HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 23, 2005

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

Some have said that Nevada is a state of lost wages, but when fair wages are not paid and housing and travel compensation too meager, justice is denied and life is diminished. And who knows? The kid working today at McDonald's may someday be working in this room.

O God, give to this Assembly the energy and stamina to work with vigor in these coming days, choosing life and justice for all the people of Nevada.

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 were referred Senate Bills Nos. 315, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 78, 133, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 329, 346, 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. 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was rereferred Senate Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 67, 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 17, 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 Growth and Infrastructure, to which was referred Senate Bill No. 358, 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 were referred Senate Bills Nos. 120, 281, 354, 396, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 28, 41, 64, 150, 173, 175, 234, 287, 347, 353, 432, 450, 452, 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 Senate Bill No. 119, 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 Senate Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 48, 384, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Senate Bills Nos. 71, 318, 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which were referred Senate Bills Nos. 18, 112, 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 40.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 22, 96, 195, 304, 484.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 715 to Senate Bill No. 205; Assembly Amendment No. 716 to Senate Bill No. 261.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Titus and Heck as a first Conference Committee concerning Senate Bill No. 68.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 18, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill 209.

MARK STEVENS

Fiscal Analysis Division

May 20, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill 126 and Senate Bill 216.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill 493.

MARK STEVENS

Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by: Legislative Counsel.

For: A New BDR No. 32-1342.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 21, 2005.

WILLIAM J. RAGGIO

Senate Majority Leader

RICHARD D. PERKINS

Speaker of the Assembly

A Waiver requested by: Senator Dennis Nolan.

For: Assembly Bill No. 505.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rules Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 20, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

A Waiver requested by: Senate Standing Committee on Taxation

For: Senate Bill No. 509.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rules Nos. 14.2 and 14.3.

Has been granted effective: May 20, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Assembly Concurrent Resolution No. 28.

Assemblyman Munford moved the adoption of the resolution.

Remarks by Munford.

Resolution adopted and ordered transmitted to the Senate.

Assemblywoman Buckley moved that Senate Bill No. 493 be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 22.

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

Motion carried.

Senate Bill No. 96.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 195.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 304.

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

Motion carried.

Senate Bill No. 484.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 93.

Bill read second time.

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

Amendment No. 777.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

Section 1. Section 189.28 of Chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 244, is hereby amended to read as follows:

Sec. 189.28. 1. There is hereby appropriated from the State General Fund to the State Distributive School Account in the State General Fund created pursuant to NRS 387.030:

For the 2003-2004 Fiscal Year.....\$637,789,627

For the 2004-2005 Fiscal Year.....\$767,086,697

2. The money appropriated by subsection 1 must be:

(a) Expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget; and

(b) Work-programmed for the 2 separate Fiscal Years 2003-2004 and 2004-2005, as required by NRS 353.215. Work programs may be revised with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration.

3. Transfers to and from allotments must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate considerations of the merits of each request.

4. The sums appropriated by subsection 1 are available for either fiscal year or may be transferred to Fiscal Year 2002-2003. Money may be transferred from one fiscal year to another with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration. If funds appropriated by subsection 1 are transferred to Fiscal Year 2002-2003, any remaining funds in the State Distributive School Account after all obligations have been met that are not subject to reversion to the State General Fund must be transferred back to Fiscal Year 2003-2004. Any amount transferred back to Fiscal Year

2003–2004 must not exceed the amount originally transferred to Fiscal Year 2002–2003.

5. Any remaining balance of the appropriation made by subsection 1 for the 2003–2004 Fiscal Year must be transferred and added to the money appropriated for the 2004–2005 Fiscal Year and may be expended as that money is expended.

6. Any remaining balance of the appropriation made by subsection 1 for the 2004–2005 Fiscal Year, including any money added thereto pursuant to the provisions of subsections 3 and 5, must not be committed for expenditure after June 30, 2005, and ~~reverts~~ *must be reverted* to the State General Fund ~~as soon as all payments of money committed have been made.~~ *on or before September 16, 2005.*”.

Amend section 1, page 1, line 1, before “There” by inserting “1.”.

Amend section 1, page 1, line 3, by deleting “\$9,645,678” and inserting “\$7,912,640”.

Amend section 1, page 1, between lines 8 and 9, by inserting:

“2. Any remaining balance of the supplemental appropriation made by subsection 1 must not be committed for expenditure after June 30, 2005, and must be reverted to the State General Fund on or before September 16, 2005.”.

Amend sec. 2, page 1, line 10, by deleting “1” and inserting “2”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 82.

Bill read second time and ordered to third reading.

Senate Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 757.

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sections 6 and 7 as sections 3 and 4.

Amend sec. 7, page 10, line 8, by deleting: “sections 1 and 6” and inserting “section 3”.

Amend sec. 7, page 10, line 10, by deleting: “2 to 5, inclusive,” and inserting: “1 and 2”.

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting “handicapped parking;”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

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

Senate Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 721.

Amend sec. 11, page 3, line 1, after “(g)” by inserting: “*Chiropractic Physicians’ Board of Nevada*.
(h)”.

Amend sec. 11, page 3, line 2, by deleting “(h)” and inserting “(i)”.

Amend sec. 11, page 3, line 3, by deleting “(i)” and inserting “(j)”.

Amend sec. 11, page 3, line 4, by deleting “(j)” and inserting “(k)”.

Amend sec. 11, page 3, line 6, by deleting “(k)” and inserting “(l)”.

Amend sec. 11, page 3, line 7, by deleting “(l)” and inserting “(m)”.

Amend sec. 11, page 3, line 9, by deleting “(m)” and inserting “(n)”.

Amend sec. 11, page 3, line 12, by deleting “(n)” and inserting “(o)”.

Amend the bill as a whole by deleting sections 112 through 119 and adding:

“Secs. 112–119. (Deleted by amendment.)”.

Amend sec. 240, page 88, line 17, by deleting “634.193, 634.214.”.

Amend the leadlines of repealed sections by deleting the leadlines of NRS 634.193 and 634.214.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Senate Bill No. 481.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

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

Amendment No. 776.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 483.300 is hereby amended to read as follows:

483.300 1. The application of any person under the age of 18 years for an instruction permit or driver’s license must be signed and verified, before a person authorized to administer oaths:

(a) By the applicant’s parent who has custody of him or by either parent if both have custody of him;

(b) If neither parent has custody of him or if neither parent is living, by the person who has custody of him, including an officer or employee of the State *or a county* if the minor is in the legal custody of the State ~~or~~ *or county*;

(c) If neither parent has custody of him or if neither is living and he has no custodian, by his employer; or

(d) If neither parent has custody of him or if neither is living and he has no custodian or employer, by any responsible person who is willing to assume the obligation imposed under NRS 483.010 to 483.630, inclusive, upon a person signing the application of a minor.

2. Except as otherwise provided in NRS 41.0325, any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway is imputed to the person who has signed the application of the minor for a permit or license and that person is jointly and severally liable with the minor for any damages caused by such negligence or willful misconduct.

Sec. 2. NRS 41.0325 is hereby amended to read as follows:

41.0325 No action may be commenced pursuant to subsection 2 of NRS 483.300 against the State, *a county* or an officer or employee of the State *or a county* for damages caused by the negligence or willful misconduct of a minor driver whose application for a driver's license was signed by the officer or employee while the minor was in the legal custody of the State ~~or~~ *or county*.

Sec. 3. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to children; providing that an officer or employee of a county may sign and verify an application for an instruction permit or driver's license for a person under the age of 18 years who is in the legal custody of the county; providing a county and an officer or employee of a county with immunity from an action for damages caused by a minor driver whose application for a driver's license was signed by the officer or employee while the minor was in the custody of the county; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning instruction permits and driver's licenses of minors who are in legal custody of county. (BDR 43-667)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

Assembly Bill No. 101.

Bill read third time.

Roll call on Assembly Bill No. 101:

YEAS—42.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 313:

YEAS—42.

NAYS—None.

Assembly Bill No. 313 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 526:

YEAS—42.

NAYS—None.

Assembly Bill No. 526 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 15:

YEAS—42.

NAYS—None.

Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 174 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 174.

Bill read third time.

The following amendment was proposed by Assemblyman Mabey:

Amendment No. 703.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 6 as sections 1 through 5.

Amend sec. 6, page 6, line 38, by deleting “3” and inserting “2”.

Amend the title of the bill to read as follows:

“AN ACT relating to chiropractic; revising the definition of “unprofessional conduct”; increasing the number of members of the Chiropractic Physicians’ Board of Nevada; increasing certain fees; revising provisions governing disclosure by the Board of certain information related to investigations and disciplinary actions; and providing other matters properly relating thereto.”.

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblymen Mabey, Hardy, and Buckley.

Amendment lost on a division of the House.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 751.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Amend the title of the bill, seventh line, by deleting: “increasing certain fees;”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 19.

Bill read third time.

Roll call on Senate Bill No. 19:

YEAS—42.

NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Bill No. 81:

YEAS—42.

NAYS—None.

Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 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. 43.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, 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, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 43—Memorializing former District Court Judge John W. Barrett.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the passing of native Nevadan and former District Court Judge John W. Barrett on June 19, 2004; and

WHEREAS, John W. Barrett was born in Reno, Nevada, on June 9, 1917, to Esther Catherine Johns Barrett and William Patrick Barrett, both of pioneer families from Reno and the Carson Valley; and

WHEREAS, Although the Barrett family included three generations of stonemasons, including John's grandfather who crafted the Nevada Memorial Stone on the Washington National Monument, William Barrett did not encourage John to join the family business, instead he encouraged him to embark on a different career path; and

WHEREAS, After graduating from the University of Nevada, Reno, in 1939, John enlisted in the United States Army Reserve and witnessed the attack on Pearl Harbor on December 7, 1941, while he was stationed at Schofield Barracks; and

WHEREAS, John continued bravely serving his country in the United States Army until the end of World War II, receiving a Silver Star, a Bronze Star and a Combat Infantry Badge before retiring from military service as a Lieutenant Colonel; and

WHEREAS, After graduating from the University of California, Hastings College of the Law in 1949, John returned to Nevada to practice law in Reno and Hawthorne before serving as a Deputy Attorney General for the State of Nevada; and

WHEREAS, Upon the death of Judge Mastretti in 1961, Governor Grant Sawyer appointed John Barrett to the Washoe County District Court, Department Number 2, where Judge Barrett continued to preside, unchallenged at any election since 1962, until his retirement from the bench in 1985; and

WHEREAS, In presiding over numerous trials during his 24 years on the bench, including the Priscilla Ford trial, Judge John W. Barrett is best remembered for his strong sense of fairness and adherence to the law, his instrumental role in working with Judge Tom Craven to bring the National Judicial College to Reno and for being a founding member of the Nevada Judicial Historical Society; and

WHEREAS, Although Judge Barrett was soft spoken, his family and friends knew him as an avid outdoorsman with a great sense of humor, a gift for storytelling and a deep love for his wife, whom John affectionately referred to as “M,” and his children, grandchildren and great-granddaughter and the rest of his family; 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 offer their sincere condolences to the family and friends of Judge John W. Barrett; and be it further

RESOLVED, That the legacy of Judge John W. Barrett’s exemplary judicial career and tireless effort to preserve the history of the courts of Nevada will continue to inspire judges for generations to come; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to John Barrett’s beloved family.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

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

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 3 and 338, 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 Ways and Means, to which was referred Assembly Bill No. 103, 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*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY JR., *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 564—AN ACT making an appropriation to the Have A Peaceful Heart Foundation for assistance with merchandising that will help finance the establishment of new music educational programs in the Clark County School District; and providing other matters properly relating thereto.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 565—AN ACT making an appropriation to the Clark County School District for the establishment of a “Homework Help Center” at the West Las Vegas Library; and providing other matters properly relating thereto.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 566—AN ACT relating to protection of children; requiring the Legislative Commission to contract with a consultant to carry out certain duties and prepare a report concerning the health, safety, welfare, and civil and other rights of children in this State who are under the care of certain governmental entities and private facilities; requiring the Legislative Commission to appoint a subcommittee to oversee the consultant; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 567—AN ACT relating to school facilities; creating an Account for the Construction, Repair and Renovation of School Buildings and Facilities; providing for the submission of applications by certain school districts for grants of money from the Account; prescribing the process for the review and approval of applications; revising provisions governing the local tax for school facilities; repealing the provisions creating the Fund to

Assist School Districts in Financing Capital Improvements; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 93.

Bill read third time.

Roll call on Senate Bill No. 93:

YEAS—42.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 131

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 131:

YEAS—40.

NAYS—2—Angle and Carpenter.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 135:

YEAS—42.

NAYS—None.

Senate Bill No. 135 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 Bills Nos. 331, 395, 424, 443, 483 and Senate Joint Resolution No. 12 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 331.

Bill read third time.

Remarks by Assemblymen Carpenter and Anderson.

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

Roll call on Senate Bill No. 331:

YEAS—38.

NAYS—Claborn, Giunchigliani, Koivisto, Perkins—4.

Senate Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Roll call on Senate Bill No. 395:

YEAS—42.

NAYS—None.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Remarks by Assemblymen Christensen.

Roll call on Senate Bill No. 424:

YEAS—42.

NAYS—None.

Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Senate Bill No. 443:

YEAS—42.

NAYS—None.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 483:

YEAS—42.

NAYS—None.

Senate Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Roll call on Senate Joint Resolution No. 12:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 12 having received a constitutional majority,

Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 138.

Bill read third time.

Remarks by Assemblymen Horne, Conklin, and Buckley.

Roll call on Senate Bill No. 138:

YEAS—42.

NAYS—None.

Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblymen Grady and Parnell.

Roll call on Senate Bill No. 169:

YEAS—42.

NAYS—None.

Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 180.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Senate Bill No. 180:

YEAS—42.

NAYS—None.

Senate Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 184.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 184:

YEAS—42.

NAYS—None.

Senate Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblymen Hardy, Angle, and Buckley.

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

Assemblywoman Angle requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HARDY:

S.B. 193 concerns dead bodies used for medical science. The Committee on Anatomical Dissection would adopt regulations concerning persons and entities eligible to receive dead bodies. The measure prohibits a person or entity from receiving a dead body for medical science unless the Committee has determined their eligibility to do so and makes a violation of this provision a gross misdemeanor. It also adds an osteopathic physician to the membership, requires a fee if a dead body is allocated to a given institution, and that fee is revenue neutral to cover the costs.

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

I have been asked by a member about the 2/3 majority issue and it is my belief that a bill increasing public revenue by raising fees or taxes requires a 2/3 majority vote pursuant to the *Nevada Constitution*. These bills are generally marked for us by our Legislative Counsel. Ms. Angle, did I cover what you needed me to cover?

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. That is what I needed to hear—that you would confirm that a 2/3 vote is required for the approval of any bill or joint resolution which creates, generates, or increases any public revenue in any form as required by Article 4, Section 18, of our *Constitution*.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker, for recognizing me a second time. We received testimony in that particular way, that this was going to be revenue neutral, taking from inside the system, so no new fees were technically assessed other than for covering the costs of the body.

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

Thank you. It just shows that Section 6 requires a 2/3 vote.

Roll call on Senate Bill No. 193:

YEAS—42.

NAYS—None.

Senate Bill No. 193 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 194, 201, 225, 229, 255, 280, 290, 295, and 307 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 235 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblywoman Leslie.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 341.

The following Senate amendment was read:

Amendment No. 699.

Amend section 1, page 2, line 6, before "*proceeding*" by inserting "*judicial*".

Amend the title of the bill, third line, before "*proceeding*" by inserting "*judicial*".

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 341.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker announced the appointment of Assemblywomen Gerhardt and Allen as a Committee to review the status of the Conference Committees.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 80, 108, 112, 118, 159, 181, 220, 231, 237, 271, 392, 393, 486, 518, 537, and 547; Assembly Joint Resolutions Nos. 4, 10, 12 and 14; Assembly Resolutions Nos. 6, 7, 8, 9 and 10; Senate Bills Nos. 30, 31, 35, 91, 205, 261, and 297; Senate Concurrent Resolution No. 21.

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 John W. Barrett, Jo Schebler, Bob Schebler, Jack Barrett, Jeanne Barrett, Kay Barrett, Betty Melarkey, John Melarkey, Jim Schebler, Renee Schebler, Anne Schebler, Caitlin Fagan, Patrick Barrett, Kevin Barrett, and Jill Barrett.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Justice, Aidan Barker-Hill, Alexandra Vallas, Alice Frederick, Angela Xu, Benjamin Lokshin, Cameron Wentworth, Daniel Hickox-Young, Denis Barsalou, Dylan Cumpston, James Patton, Katie Harris, Kevin Short, Lily Daylami, Logan Falk, Ryan Wardle, Sean Kelly, Thomas Short,

Jacob Lokshin, Mindy Lokshin, Christine Vallas, Troy Falk, and Jamie Kelly.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Marty Mazzara, Emily Dwyer, Allie Sanford, Caitlin Burke, Ali Robertson, Jennifer Hahn, Whitney Mudd, Brendan Olsen, Robert Watkins, Jonathan Denny, Rachel Porter, Breanna Gregorio, Samantha Ma, Christian Dunbar, Alexa Cachero, Matthew Lychock, Taylor Sanoja, Milan Montero, Tyler Emes, Victor Turville, Jennifer Calhoun, Leah Dwyer, Sandra Sanford, Tracey Burke, Larry Robertson, Jeannine Robertson, Christy Olsen, Monica Porter, Maria Gregorio, Anna Chan, Danny Cachero, Jeanette Montero, Glen Emes, Laura Lychock, and Art Sanoja.

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

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Buchanon and Jeff Hurley.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Smith, Kris Morgan, and Nelson Umiamaka.

Assemblywoman Oceguela moved that the Assembly adjourn until May 24, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:04 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly