

NEVADA LEGISLATURE

Seventy-Third Session, 2005

ASSEMBLY DAILY JOURNAL

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 21, 2005

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

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

God, I must admit that as I sit here and listen, it quickly becomes just a maze of letters and numbers and words: S.B., A.B., 1, 2, 3, 4, 5, 6, Order of Business 8, 9, and 15. May it never be so for these dedicated servants. May they not lose interest. May they still see needs behind the letters and peoples' faces behind the numbers. 10-4, A.O.K.

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. 446, 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 Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 546, 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 Assembly Bill No. 483, 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 were referred Assembly Bills Nos. 301 and 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 444, 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 Health and Human Services, to which was referred Assembly Bill No. 523, 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 Assembly Bill No. 240, 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 20, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 22.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 97; Senate Bills Nos. 4, 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 150, 181, 198, 201, 307, 316, 331, 339, 347, 382, 472.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 21, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 386 and 408.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 464.

MARK STEVENS

Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Senator Beers.

For: Senate Joint Resolution No. 5.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

With the following Conditions:

May only be passed out of house of origin on or before April 29, 2005.

Has been granted effective: April 21, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

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

Motion carried.

Senate Bill No. 43.

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

Motion carried.

Senate Bill No. 150.

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

Motion carried.

Senate Bill No. 181.

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

Motion carried.

Senate Bill No. 198.

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

Motion carried.

Senate Bill No. 201.

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

Motion carried.

Senate Bill No. 307.

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

Motion carried.

Senate Bill No. 316.

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

Motion carried.

Senate Bill No. 331.

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

Motion carried.

Senate Bill No. 339.

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

Motion carried.

Senate Bill No. 347.

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

Motion carried.

Senate Bill No. 382.

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

Motion carried.

Senate Bill No. 472.

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

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 11:29 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the action whereby Senate Bill No. 307 was referred to the Committee on Growth and Infrastructure be rescinded.

Motion carried.

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

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill Nos. 240, 301, 393, 444, 446, 483, 523, 546 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 473 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 51 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 421 be taken from the Chief Clerk's desk and placed on the General File.

Assemblyman Mortenson moved that Assembly Joint Resolution No. 7 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 208 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 114 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 274 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 279 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 299 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 73 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 528 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 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. 20.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senators McGinness, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, Wiener; Assmeblymen Sherer, Allen, Anderson, Angle, Arberry Jr., 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, Sibley, Smith, Weber:

Senate Concurrent Resolution No. 20—Designating April 21, 2005, as Kiwanis Day in the State of Nevada.

WHEREAS, On January 21, 1915, the “Benevolent Order Brothers” was organized in Detroit, Michigan, with the goal of having “a mutual exchange of preferred treatment in professional and business dealings”; and

WHEREAS, The following year the name of the club was changed to “Kiwanis,” a form of “Nunc Kee-wanis,” an Otchipew Native American phrase which means “We make a noise,” “We have a good time” or “We trade or advertise”; and

WHEREAS, The first Kiwanis clubs were organized to promote the exchange of business among the members, but soon a lively debate ensued between those who supported community service as the Kiwanis mission and those who supported the exchange of business, and by 1919, the service advocates won the debate; and

WHEREAS, The members of Kiwanis work toward six principles: (1) the primacy of spiritual values, (2) living by the Golden Rule, (3) adhering to high standards, (4) engendering strong citizenship, (5) building better communities through service, and (6) assisting in the formation of sound public opinion; and

WHEREAS, The Kiwanis District of California was organized in the fall of 1918, was joined by Nevada in 1923, welcomed the Hawaiian Division in 1950, with the approval of the Kiwanis International Board of Trustees, and became the California-Nevada-Hawaii District, CAL-NEV-HA, on January 1, 1951; and

WHEREAS, The State of Nevada is proud of its own divisions, which consist of Division 23 of Northern Nevada, Division 28 of Southern Nevada and Division 45 of Central Nevada, for their long history of service to communities in this State; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature hereby designate April 21, 2005, as Kiwanis Day in the State of Nevada in recognition of the hours, resources and creative energy generously contributed by the members of Kiwanis clubs throughout the State, the nation and the world in the dedicated service to their communities; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Governor Larry “Mac” McClelland and Governor-Elect Patti Barsotti, Lieutenant Governor Celia Culver and Lieutenant Governor-Elect Neil Atkinson of Division 23, Lieutenant Governor John Fenner and Lieutenant Governor-Elect Linda Marx of Division 28, and Lieutenant Governor Dan Nevin and Lieutenant Governor-Elect Ann Delahay of Division 45.

Assemblyman Sherer moved the adoption of the resolution.
Remarks by Assemblymen Sherer and Carpenter.
Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 301.

Amend section 1, pages 1 and 2, by deleting lines 3 through 9 on page 1 and lines 1 and 2 on page 2 and inserting:

“1. The Director of the Department of Public Safety shall adopt regulations that prescribe, in accordance with any applicable federal standards or requirements, the appropriate safety restraints for each school bus that is purchased new on or after July 1, 2007.

2. Except as otherwise provided in subsection 3, each pupil who rides in a school bus that is equipped with the safety restraints prescribed pursuant to subsection 1 shall wear the appropriate safety restraint while the bus is in operation.”

Amend section 1, page 2, between lines 14 and 15 by inserting:

“4. If a school bus is equipped with the safety restraints prescribed pursuant to subsection 1, neither the State, a county, a school district, a public school, a charter school, a private school or any employee or volunteer thereof is liable for injury to a passenger on the school bus caused solely because:

(a) The passenger was not wearing the safety restraint; or

(b) The passenger or another passenger used or misused the safety restraint in a dangerous or unsafe manner.”

Amend sec. 2, page 2, line 38, by deleting “*Motor Vehicles*” and inserting “*Public Safety*”.

Amend sec. 2, page 3, line 21, by deleting “*Motor Vehicles*” and inserting “*Public Safety*”.

Amend sec. 3, page 3, lines 36 and 37, by deleting: “[~~Public Safety~~] *Motor Vehicles*” and inserting “*Public Safety*”.

Amend sec. 3, page 3, line 39, by deleting: “[~~Public Safety~~] *Motor Vehicles*” and inserting “*Public Safety*”.

Amend sec. 3, pages 3 and 4, line 45 on page 3 and line 1 on page 4, by deleting: “[~~Public Safety~~] *Motor Vehicles*,” and inserting “*Public Safety*,”.

Amend sec. 4, page 5, by deleting lines 7 through 15 and inserting:

“3. In addition to the equipment required by subsection 1, each school bus that is purchased new on or after July 1, 2007, and that is operated for the transportation of pupils must be equipped with the safety restraints prescribed by the Director of the Department of Public Safety pursuant to section 1 of this act in a number that is sufficient to allow each pupil who

rides on the school bus to use a separate safety restraint. To the extent feasible, each school district shall ensure that the school buses purchased new on or after July 1, 2007, that are equipped with the safety restraint system, are used for the transportation of pupils enrolled in elementary schools in the school district. The provisions of this subsection do not apply if a school bus is purchased used.”

Amend sec. 4, page 5, lines 20 and 21, by deleting “Motor Vehicles” and inserting: “[~~Motor Vehicles,~~] Public Safety”.

Amend sec. 4, page 5, line 29, by deleting “Motor Vehicles,” and inserting: “[~~Motor Vehicles,~~] Public Safety,”.

Amend sec. 5, page 5, line 39, by deleting “Motor Vehicles,” and inserting: “[~~Motor Vehicles,~~] Public Safety,”.

Amend sec. 5, page 6, line 1, by deleting “Motor Vehicles,” and inserting: “[~~Motor Vehicles,~~] Public Safety,”.

Amend sec. 5, page 6, by deleting lines 3 through 7 and inserting:

“4. Except as otherwise provided in subsection 5, each pupil who rides in a school bus that is equipped with the safety restraints prescribed pursuant to subsection 1 shall wear the appropriate safety restraint while the bus is in operation.”

Amend sec. 5, page 6, between lines 17 and 18 by inserting:

“6. Each school bus that is purchased new on or after July 1, 2007, and that is operated for the transportation of pupils must be equipped with the safety restraints prescribed by the Director of the Department of Public Safety pursuant to section 1 of this act in a number that is sufficient to allow each pupil who rides on the school bus to use a separate safety restraint. To the extent feasible, each private school shall ensure that the school buses purchased new on or after July 1, 2007, that are equipped with the safety restraint system, are used for the transportation of pupils enrolled in elementary schools, if applicable to the grade levels offered by the private school. The provisions of this subsection do not apply if a school bus is purchased used.

7. If a school bus is equipped with the safety restraints prescribed pursuant to subsection 1, neither the State, a county, a school district, a public school, a charter school, a private school or any employee or volunteer thereof is liable for injury to a passenger on the school bus caused solely because:

(a) The passenger was not wearing the safety restraint; or

(b) The passenger or another passenger used or misused the safety restraint in a dangerous or unsafe manner.”

Amend sec. 7, page 7, line 43, by deleting “2006,” and inserting “2007,”.

Amend sec. 8, page 8, line 6, by deleting “2006,” and inserting “2007,”.

Amend sec. 8, page 8, line 9, by deleting “2006.” and inserting “2007.”.

Amend the title of the bill by deleting the second through eleventh lines and inserting: “Director of the Department of Public Safety to prescribe the appropriate safety restraints for school buses that are used for the

transportation of pupils; requiring school buses that are purchased new on or after July 1, 2007, to be equipped with the safety restraints; requiring pupils to use the safety restraints while riding on a school bus; providing an exception for certain pupils; providing”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 388.

Amend the bill as a whole by deleting sections 1 through 23 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

Each owner or operator of a charter bus which is not a fully regulated carrier shall:

1. Comply with the provisions of this chapter and any regulations adopted by the Authority pursuant to this chapter relating to safety;

2. Submit evidence satisfactory to the Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety in the time, amount and form required by the Authority for a common motor carrier of passengers pursuant to NRS 706.291; and

3. Within 30 days after beginning operation in this State, submit to the Authority a copy of its schedule or tariff setting forth the rates established by the owner or operator. If the owner or operator makes any changes to its schedule or tariff, the owner or operator shall submit an updated copy of the schedule or tariff to the Authority within 30 days after making those changes.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive [§], *and section 1 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive [§], *and section 1 of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive [§], *and section 1 of this act*;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person

may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 4. Notwithstanding any provision of this act to the contrary, each owner or operator of a charter bus which is not a fully regulated carrier and which is operating in this State on or before October 1, 2005, shall, on or before November 1, 2005, submit to the Transportation Services Authority:

1. Evidence satisfactory to the Transportation Services Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety as required by subsection 2 of section 1 of this act; and

2. A copy of its schedule or tariff setting forth the rates established by the owner or operator.”

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; revising the provisions governing owners and operators of charter buses which are not fully regulated carriers; providing penalties; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing owners and operators of charter buses which are not fully regulated carriers. (BDR 58-55)”

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. 301.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 338.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sections 4 and 5 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of ~~[\$2,000]~~ \$5,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~[\$2,000]~~ \$5,000 assessed valuation of property in which such a person has any interest shall be deemed the property of that person.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption, and the county assessors shall continue to grant exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor of each of the several counties of this State shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.

8. Beginning with the ~~{2005-2006}~~ 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~{December 2003 to the December}~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 2. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be submitted to the county assessor. It must be to the effect that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that he does not claim the exemption in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

- (a) The renewal of the exemption; and
- (b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

- (a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;
- (b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or
- (c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

- (a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;
- (b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;
- (c) The surviving spouse has not remarried; ~~and~~
- (d) The surviving spouse is a bona fide resident of the State of Nevada ~~;~~

; and

- (e) *The exemption is claimed in no other county within this State.*

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

8. If any person makes a false affidavit or produces false proof to the county assessor or a notary public, and as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

9. Beginning with the ~~[2005-2006]~~ 2006-2007 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December 2003 to the December]~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 3. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of ~~[\$2,000]~~ \$5,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~[\$2,000]~~ \$5,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. The affidavit must be made before

the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption, and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.

7. Beginning with the ~~{2005-2006}~~ 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~{December 2003 to the December}~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 4. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he has a disability of 100 percent, the first \$20,000 of determined valuation.

(b) If he has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.

(c) If he has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.

2. For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which an applicant has any interest ~~[]~~ shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and
(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145, to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and
(b) Any one of the following:
(1) An honorable discharge;
(2) A certificate of satisfactory service; or
(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;
(b) The disabled veteran was eligible for the exemption at the time of his death; ~~and~~
(c) The surviving spouse has not remarried ~~[]~~; and
(d) *The exemption is claimed in no other county within this State.*

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103.

7. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is

allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[2005-2006]~~ 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~December 2003 to the December~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; revising the provisions governing the veterans’ exemptions from the property tax and the governmental services tax; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing veterans’ exemptions from property tax and governmental services tax. (BDR 32-1002)”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 329.

Amend sec. 2, page 1, by deleting lines 4 through 7 and inserting:

“Sec. 2. *As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, “tax lien” means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest and costs which may accrue thereon are paid.*”.

Amend the bill as a whole by deleting sections 3 through 5 and adding:

“Secs. 3-5. (Deleted by amendment.)”.

Amend sec. 6, page 2, by deleting line 14 and inserting:

“2. *Except as otherwise provided in this section, a county may sell a tax lien to any purchaser. A county may not sell a tax lien to a government, governmental agency or political subdivision of a government, or to any insurer other*”.

Amend sec. 8, page 3, by deleting line 15 and inserting: “*parcel for at least 1 year, and any penalties, interest and costs which may accrue thereon.*”.

Amend sec. 8, page 3, line 17, after “*assessment*” by inserting: “*and any penalties, interest and costs accrued thereon*”.

Amend sec. 8, page 3, by deleting lines 22 and 23 and inserting:

“6. *A tax lien must be purchased in cash or by certified check, money order or wire transfer of money.*”.

Amend sec. 15, page 6, line 35, by deleting “361.645,” and inserting “361.620.”

Amend sec. 15, page 6, by deleting line 38 and inserting “costs.”

Amend sec. 16, page 7, by deleting lines 26 and 27 and inserting:

“(2) *A tax lien may be sold against the parcel*”.

Amend sec. 17, page 8, by deleting lines 22 and 23 and inserting:

“(b) *That a tax lien may be sold against the parcel*”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 444.

Bill read second time.

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

Amendment No. 541.

Amend section 1, page 2, by deleting lines 5 through 9 and inserting:

“(a) *Establishing standards for the construction of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average; and*

(b) Requiring the installation of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average.”.

Amend the title of the bill to read as follows:

“AN ACT relating to solid waste; requiring the State Environmental Commission to adopt regulations establishing standards for the construction of liner and leachate collection systems for certain solid waste disposal sites and requiring the installation of a liner and leachate collection system at certain such sites; and providing other matters properly relating thereto.”.

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. 446.

Bill read second time.

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

Amendment No. 192.

Amend sec. 2, page 3, by deleting lines 1 through 3 and inserting:

“(f) *Received a passing grade on the National Verbatim Reporters Association’s examination for certified verbatim reporters.*”.

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 656.335 is hereby amended to read as follows:

656.335 A court reporter shall retain his *stenographic* notes ~~[]~~ or the *official verbatim records*, whether or not transcribed, for 8 years if ~~[they]~~ the *notes or records* concern any matter subject to judicial review. ~~[These]~~ The *notes or records* must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.”

Amend the title of the bill, seventh line, by deleting “voice writing” and inserting: “certified verbatim reporters”.

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. 483.

Bill read second time.

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

Amendment No. 457.

Amend sec. 3, page 4, by deleting lines 28 through 30 and inserting: “Commissioner. The request must include:”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 561.

Amend sec. 5, page 5, line 39, by deleting “2005.” and inserting “2006.”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 523.

Bill read second time.

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

Amendment No. 543.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

“*A local board of health may investigate complaints relating to the*”.

Amend section 1, page 1, line 5, by deleting “*safety*” and inserting “*operation*”.

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

Amend the title of the bill to read as follows:

“AN ACT relating to sanitation; authorizing the local boards of health to investigate complaints relating to the operation of any agricultural program

administered by the University and Community College System of Nevada; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes local boards of health to investigate complaints concerning agricultural programs of University and Community College System of Nevada. (BDR 40-1123)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 546.

Bill read second time.

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

Amendment No. 468.

Amend sec. 5, page 4, line 40, by deleting “1.” and inserting “[1]”.

Amend sec. 5, page 4, line 42, by deleting “(a)” and inserting “[a] 1.”.

Amend sec. 5, page 5, line 1, by deleting “(b)” and inserting “[b] 2.”.

Amend sec. 5, page 5, line 4, by deleting “(c)” and inserting “[c] 3.”.

Amend sec. 5, page 5, line 6, by deleting “(d)” and inserting “[d] 4.”.

Amend sec. 5, page 5, line 9, by deleting “(e)” and inserting “[e] 5.”.

Amend sec. 5, page 5, by deleting lines 12 through 15 and inserting:

“~~[2. Except as otherwise provided in NRS 281.477, 294A.345 and 294A.346, the Commission's opinions may not include guidance to a public officer or employee on questions regarding the provisions of chapter 294A of NRS.]~~”.

Amend the bill as a whole by deleting sections 7 through 10 and renumbering sec. 11 as sec. 7.

Amend the bill as a whole by deleting sec. 12 and renumbering sections 13 and 14 as sections 8 and 9.

Amend the title of the bill by deleting the seventh through ninth lines and inserting: “or defeat of a question on a ballot; and providing other”.

Amend the summary of the bill to read as follows:

“SUMMARY—Repeals certain provisions enforced by Commission on Ethics. (BDR 23-899)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills on General File be dispensed with for this legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 208.
Bill read third time.

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

Amendment No. 571.

Amend sec. 5, page 5, by deleting lines 19 through 28 and inserting:

“3. The Board has grounds for initiating disciplinary action against a physician if the report from the Federal Bureau of Investigation indicates that the physician has been convicted of:”.

Amend sec. 6, page 6, by deleting lines 1 through 10 and inserting:

“3. The Board has grounds for initiating disciplinary action against an osteopathic physician if the report from the Federal Bureau of Investigation indicates that the osteopathic physician has been convicted of:”.

Amend the title of the bill, fourth line, by deleting “requiring” and inserting “authorizing”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblymen Parks and Hardy.

Roll call on Assembly Bill No. 19:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 19 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblymen Anderson and Hardy.

Roll call on Assembly Bill No. 51:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 51 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 113:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 113 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 180.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 180:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 180 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblymen Buckley, Mabey, Hardy, Leslie, Conklin, and
Horne.

Roll call on Assembly Bill No. 195:

YEAS—29.

NAYS—Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Mabey,
Marvel, Seale, Weber—12.

EXCUSED—Ohrenschall.

Assembly Bill No. 195 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblyman Perkins.

Potential conflict of interest declared by Assemblymen Perkins and
Gerhardt.

Roll call on Assembly Bill No. 232:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 232 having received a two-thirds majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 239:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 239 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 254:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 254 having received a two-thirds majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblymen Conklin, Perkins, and Gerhardt.

Potential conflict of interest declared by Assemblymen Perkins and
Gerhardt.

Roll call on Assembly Bill No. 259:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 259 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 267:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 267 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblymen Horne and Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 280 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 287:

YEAS—26.

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

EXCUSED—Ohrenschall.

Assembly Bill No. 287 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 290:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 290 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

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 1:08 p.m.

ASSEMBLY IN SESSION

At 1:19 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 304
Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hardy moved that Assembly Bill No. 304 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Hardy.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 343.
Bill read third time.
Remarks by Assemblywomen Giunchigliani and Angle.
Conflict of interest declared by Assemblywoman Angle.
Roll call on Assembly Bill No. 343:

YEAS—39.

NAYS—None.

NOT VOTING—Angle, Carpenter—2.

EXCUSED—Ohrenschall.

Assembly Bill No. 343 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 351.
Bill read third time.
Remarks by Assemblymen Mortenson and Carpenter.
Roll call on Assembly Bill No. 351:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.
Bill read third time.
Remarks by Assemblyman Ocegüera.
Roll call on Assembly Bill No. 363:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 363 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.
Bill read third time.
Remarks by Assemblyman Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 383:

YEAS—29.

NAYS—Angle, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Mabey, Marvel, Seale, Sibley, Weber—12.

EXCUSED—Ohrenschall.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 221.

Bill read third time.

The following amendment was proposed by Assemblyman Ocegüera:

Amendment No. 578.

Amend section 1, page 3, by deleting lines 6 and 7 and inserting:

“5. The liquor board may deny or refuse to renew the license of a person who has willfully violated the”.

Amend sec. 2, page 3, by deleting lines 20 and 21 and inserting:

“2. An incorporated city may deny or refuse to renew the license of a person who has willfully violated the”.

Amend sec. 3, page 3, line 27, by deleting “10,” and inserting “11,”.

Amend sec. 4, page 3, line 29, by deleting “10,” and inserting “11,”.

Amend sec. 6, page 3, by deleting lines 36 and 37 and inserting:

“program designed to educate persons who sell or serve alcoholic beverages or perform the duties of a security guard at an establishment.”.

Amend sec. 9, page 4, by deleting lines 12 through 18 and inserting:

“2. On and after January 1, 2008, a person who owns or operates an establishment shall not employ or continue to employ a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless the person has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act within 30 days after the employee is employed to sell or serve alcoholic beverages or perform the duties of a security guard.”.

Amend sec. 10, page 4, by deleting line 43 and inserting: *“the selling and serving of alcoholic beverages.”.*

Amend sec. 10, page 5, by deleting lines 18 through 20 and inserting:

“4. The Commission shall adopt such regulations:

(a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and

(b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to this section receives a card which certifies that the person has successfully completed that program.”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. *Except as otherwise provided in sections 4 to 11, inclusive, of this act, no agency, board, commission, local government or other political subdivision of this State may adopt any requirements or standards for the education of persons employed to sell or serve alcoholic beverages at an establishment.”.*

Amend the title of the bill, by deleting the second line and inserting: “persons employed at certain establishments where alcoholic beverages are sold must”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

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

Assembly Bill No. 395.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 395:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenscha11.

Assembly Bill No. 395 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblymen Carpenter, Buckley, and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 407:

YEAS—28.

NAYS—Anderson, Atkinson, Buckley, Conklin, Giunchigliani, Hogan, Horne, Koivisto, Leslie, Ocegüera, Pierce, Smith—12.

NOT VOTING—Angle.

EXCUSED—Ohrenscha11.

Assembly Bill No. 407 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 421:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 421 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 427:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 427 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblywomen Giunchigliani and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 437:

YEAS—39.

NAYS—None.

NOT VOTING—Angle, Carpenter—2.

EXCUSED—Ohrenschall.

Assembly Bill No. 437 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 468:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 468 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 471:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 471 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 475.
Bill read third time.
Remarks by Assemblyman Grady.
Roll call on Assembly Bill No. 475:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 475 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 477.
Bill read third time.
Remarks by Assemblyman Munford.
Roll call on Assembly Bill No. 477:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 477 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 485.
Bill read third time.
Remarks by Assemblywoman Gerhardt.
Roll call on Assembly Bill No. 485:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 485 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 492.
Bill read third time.
Remarks by Assemblywoman Giunchigliani.
Roll call on Assembly Bill No. 492:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 492 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 502:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 502 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 504:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

Bill read third time.

Remarks by Assemblymen Mabey and Mortenson.

Roll call on Assembly Bill No. 555:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was re-referred Assembly Bill No. 83, 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. 120, 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. 320, 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 Judiciary, to which was referred Assembly Bill No. 365, 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*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 21; Senate Bills Nos. 73, 132; Senate Concurrent Resolution No. 18;

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 Robert Witt, Jordan Barnes, and Maataua Kingston.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Zachary Rees.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Coleman and D.J. Seely.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Hibbs and Alexa Zambon.

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

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jami Cannon and Kevin Martin.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Darleen Clark and David Metz.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Anderson and Holly Marich.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Galleron, Patty Galleron, Patricia Grady, and Huey Carl Johnson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Coburn and Jessalyn Poulsen.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Riley Hutchinson.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Caulfield and Kiersten McCall.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Griffin and Devante Valencia.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Graham and Cierra Trujillo.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Harmon and Zachary Snow.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Coombe, Dave Howell, Denise Colby, Tony Mahomet, Carrie Hunter, Stephanie Crawford, Susan Sterett, Teresa Stultz, Vicki Fisher, Tammi Nelson, Jose Roman, Nea McGee, Vicki Peterson, Douglas Hensen, Christine Thomas, Jack McPartland, Gary Hutchinson, Danielle Shipp, Brittany Branson, Katie Cantrell, Autumn Franck, Sarah Higgins, Jesse Howell, Dalton Johnson, Andrea Lopez, Gabe Mahomet, Amber Mendoza, Denise Montes, Mill Powar, Billy Robles, Sergio Rodriguez, Alex Rodriguiz, Tyler Roth, Ashley Ruff, Riley Ruppert, Angela Schwitters, Jon Simpson, Nicole Taylor, Jaidyn Umphrey, Ashley Woodard, Sadie Young, Rachelle Sonnier, Brandon Boykin, Grant Colby, Cindy Bowers, Stuart Cates, Haley Gibbs, Daniel Griffin, Danny Jarrett, Edward Kindrick, Taylor Leach, Hans Lund, J.J. Mariano, Levi McDonald, Kelsey Miller, Scott Muenzenmay, Birianne Nelson, Crystal Priddy, Thomas Rauch, Zulemia Roman, Ashley Rutherford, Angie Simons, Jason Sterett, Lacey Stultz, Hannah Thomas, Caitlyn Triplett, Sean Troup, Brandon Warner, Sierra Warzer, Adrian Wyatt, Allyson Alexander, Marlene Bernal, Hunter Croneis Moreno, Claudia Garcia, T.J. Gutierrez, Austin Hensen, Troy Hiatt, Lea Hutchinson, Aksel Jimenez, Addiesha Knoblock, Chinette Lee, Samantha McPartland, Erica Medina, Kimberly Mejicanos, Jesus Montes, Jake Myers, Jose Navarro, Chance Nevarez, Sam Nichols, Carlee Payne, Jacie Shipp, Sierra Sobio, Bryce Yearman, Casey Reno, and C.J. Ellingwood.

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

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Karra Ingle.

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

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Anzalone, Sierra Blair, Adam Peterson, Patrick Daivson, Jessica Dodge, Danielle Good, Juan Jimenez-Soto, Stephanie Medina, Max Mueller, Hugo Ramirez, Carly Redmond, Hasum Rivera, Jaconn Rodriguez, Sierra Sheppard, Meghan Sparks, Todd Thomsen, Kandis Tuttle, Tami Redmond, Susan Good, Lisa Peterson, and Geri Moore.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Severt.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Blackham, Keirra Leshner, Austin Garcia, Joan Blosser, and Chloe Jordan.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 22, 2005, at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:09 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

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