

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

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## ASSEMBLY DAILY JOURNAL

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### THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 24, 2005

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

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

While rebuilding the walls of Jerusalem, some people attempted to divert Nehemiah from his task. Nehemiah replied in Nehemiah 6:3, "I am doing a great work and cannot come down." Our Heavenly Father, our legislators are doing a great work. Please empower them to accomplish their task with single-mindedness, courage, and enthusiasm this day. I pray in the name of my Savior.

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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 23, 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. 138; Senate Bill No. 73.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 92, 108.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Perkins:

Assembly Joint Resolution No. 9—Proposing to amend the Nevada Constitution to provide for forfeiture of public office for three or more breaches of ethical duties.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec. ~~2~~ ~~2~~—~~The~~ 2.

1. *Except as otherwise provided in subsection 2, the Governor and other State and Judicial Officers, except Justices of the Peace shall be liable to impeachment for Misdemeanor or Malfeasance in Office; but judgment in such case shall not extend further than removal from Office and disqualification to hold any Office of honor, profit, or trust under this State. The party whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.*

2. *If the Governor or other State or Judicial Officer, except a Justice of the Peace, commits three or more breaches of his ethical duties, that public officer forfeits his office.*

Assemblywoman Buckley moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

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

Assembly Concurrent Resolution No. 9—Commending the Drug Abuse Resistance Education (D.A.R.E.) program and the law enforcement officers who are specially trained to provide instruction in the D.A.R.E. curriculum, and designating March 21 to 25, 2005, as Law Enforcement Youth Drug Education Week in Nevada.

WHEREAS, Illegal drug use and the abuse of prescription drugs and alcohol have the potential to destroy the hopes, ambitions and lives of users and to negatively impact the safety and health of families, schools and communities with an associated increase in violence and risky behavior; and

WHEREAS, As long as drugs remain available to young people, antidrug education must be a priority, because only through consistent and ongoing antidrug messages from family, friends, schools and governments, and the supported efforts of these youth to remain drug free, can adolescent drug use be substantially reduced; and

WHEREAS, Since its development in 1983, the Drug Abuse Resistance Education (D.A.R.E.) program, based on the premise that prevention is the only long-term answer to substance abuse,

has offered a curriculum to millions of students from kindergarten through grade 12 that helps students raise their self-esteem to resist peer pressure, teaches them how to make decisions on their own and encourages them to identify positive alternatives to drugs; and

WHEREAS, Expanded in 1994 to include lessons that focus on reducing violence through the use of anger management and conflict resolution and by building interpersonal and communications skills, the D.A.R.E. curriculum is constantly being revised to blend the latest in prevention science with the largest prevention delivery network in the world; and

WHEREAS, The D.A.R.E. program relies on accurate information and an upbeat approach to give young people the skills they need to recognize and resist the subtle and overt pressures that may cause them to experiment with drugs or become involved in gangs or violent activities and to inspire them to become contributing members of their communities; and

WHEREAS, A unique feature of D.A.R.E. is the introduction into the classroom of law enforcement officers from the community who are certified school resource officers and who, through the utilization of on-the-job experiences and specialized training, have dedicated themselves to helping the young people in this State to remain drug and violence free; and

WHEREAS, Nevada's law enforcement community has made a commitment to educate the youth of Nevada concerning the dangers of gangs, violence and drug use, and as members of our communities, and through their daily work routine, these law enforcement officers continually strive to work with the children in our school system to teach such awareness in classrooms throughout the State; and

WHEREAS, The presence of these dedicated men and women in our schools permits students to interact with law enforcement officers, and the relationships that develop open lines of communication between law enforcement and these children, setting the stage to defuse dangerous situations that may arise on school campuses; and

WHEREAS, As they introduce valuable lessons through role-playing, group discussions, question-and-answer sessions and workbook exercises in the classroom setting, these officers become visible role models to the students and provide opportunities for them to seek support in other areas of their lives where they may feel threatened or afraid or pressured to engage in harmful behavior; and

WHEREAS, By holding true to the ethics of police service, these members of the law enforcement community have shown their dedication and loyalty to the residents of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the Drug Abuse Resistance Education program for its part in lowering the percentage of drug use and participation in gangs and violent activities among the youth of our nation while providing them with positive and healthful alternatives; and be it further

RESOLVED, That the residents of the State of Nevada applaud the dedication of the Nevada law enforcement officers whose expertise in the classrooms of our State as they present the D.A.R.E. program is critical to the well-being of our children and their future; and be it further

RESOLVED, That March 21 to 25, 2005, is declared Law Enforcement Youth Drug Education Week in Nevada, in conjunction with the Nevada State D.A.R.E. Conference to be held in Carson City; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Sergeant Mark Sharp, State D.A.R.E. Administrator, John Lybbert, State D.A.R.E. Coordinator and Mike Pardovich, President of the D.A.R.E. Officers Association.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

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

Resolution adopted.

Assemblywoman Parnell moved that all rules be suspended and that Assembly Concurrent Resolution No. 9 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblyman Perkins:

Assembly Concurrent Resolution No. 10—Directing the Legislative Commission to conduct an interim study on the adequacy of the system of school finance in Nevada.

Assemblyman Ocegüera moved that the resolution be referred to the Concurrent Committees on Education and Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

#### INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 381—AN ACT relating to traffic laws; authorizing the use of a single center lane when making a left-hand turn onto a highway; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 382—AN ACT relating to criminal procedure; expanding the crimes for which a defendant is required to submit a biological specimen for genetic marker analysis when he is found guilty; requiring a juvenile court to order a genetic marker analysis from a child who is adjudicated delinquent for committing certain unlawful acts; making appropriations; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 383—AN ACT relating to property; creating a right of redemption for an owner of property in a common-interest community in certain instances of nonjudicial foreclosure; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Buckley, Giunchigliani, Ocegüera, Parks and Arberry Jr.; Senators Care and Horsford:

Assembly Bill No. 384—AN ACT relating to financial services; establishing uniform standards and procedures for the licensing and

regulation of check-cashing services, deferred deposit loan services, payday loan services and title loan services; repealing provisions governing check-cashing services and deferred deposit loans to conform with the uniform standards and procedures; providing remedies and administrative penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 385—AN ACT relating to building standards; making various changes to encourage energy efficiency in construction; providing for a partial abatement of certain taxes for certain energy efficient buildings and green buildings; requiring the University and Community College System of Nevada to provide instruction in certain areas related to green building; requiring the State to reduce its grid-based purchases; exempting from the Universal Energy Charge energy consumed in certain energy-efficient buildings; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 386—AN ACT relating to child support; providing that a person who lawfully obtains custody of a child after an order for support for that child has been issued may enforce that order in certain circumstances; making an appropriation for a performance audit of the collection and enforcement of child support by the Welfare Division of the Department of Human Resources; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hettrick, Parnell, Angle, Carpenter, Christensen, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Holcomb, Mabey, Mortenson, Parks, Perkins, Seale, Sherer, Smith, and Weber:

Assembly Bill No. 387—AN ACT relating to taxation; providing for the reduction of certain excise taxes payable by employers who contribute to health savings accounts for their employees; altering certain statutory references to medical savings accounts to instead refer to health savings accounts; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 388—AN ACT relating to education; changing the name of the State Board for Occupational Education to the State Board for Career and Technical Education; changing the term “occupational education” to “career and technical education”; requiring the superintendent of schools of each school district that has established a program of career and technical education to appoint an advisory technical skills committee for the program; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 389—AN ACT relating to state financial administration; providing for the annual transfer of money from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund; making an appropriation; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 390—AN ACT relating to gaming; revising the provisions governing the designation of gaming enterprise districts in certain counties; increasing the required minimum distance between a proposed gaming establishment and a developed residential district, public school, private school or structure used primarily for religious services or worship that must be proven before certain petitions for such a designation may be granted; increasing, as between a proposed gaming establishment and a developed residential district, public school, private school or structure used primarily for religious services or worship, the distance within which the absence of adverse effects must be proven before certain petitions for such a designation may be granted; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 391—AN ACT making an appropriation to the Department of Education for disbursement to elementary school teachers for classroom supplies; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 392—AN ACT relating to taxation; requiring the Nevada Tax Commission to adopt regulations governing the assessment of property for the purposes of taxation; authorizing the Commission to award a property owner the amount of reasonable attorney's fees and costs incurred by the property owner by reason of a knowing violation of such regulations by a county assessor; requiring county boards of equalization and the State Board of Equalization to comply with such regulations; authorizing a taxpayer who reasonably believes that a county assessor, county board of equalization, the State Board of Equalization or the Department of Taxation has violated such a regulation to obtain declaratory relief without first exhausting his administrative remedies; requiring the award of attorney's fees and costs to taxpayers who obtain such relief; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 393—AN ACT relating to taxation; authorizing a county to sell tax liens against parcels of real property located within the county under certain circumstances; requiring the county treasurer to issue a certificate of purchase for each tax lien sold; authorizing the purchaser of a tax lien to commence an action for the collection of the delinquent taxes, penalties, interest and costs; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman Hettrick (by request):

Assembly Bill No. 394—AN ACT incorporating the City of Sierra Hills in Douglas County, Nevada, under a new charter; defining the boundaries thereof; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 395—AN ACT relating to education; prohibiting the use or attempted use of a false or misleading degree or honorary degree granted by any private or public postsecondary educational institution and the use or attempted use of a degree or honorary degree granted by such an institution in a false or misleading manner; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Holcomb:

Assembly Bill No. 396—AN ACT relating to civil actions; requiring courts to award attorney's fees and costs against certain attorneys and parties for taking certain actions, including, without limitation, filing an action or defense without substantial justification; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 397—AN ACT relating to education; removing the requirement that a pupil pass the high school proficiency examination as a condition to receipt of a high school diploma; designating the types of diplomas that may be issued to pupils; requiring the State Board of Education to prescribe alternative criteria for receipt of an advanced diploma; requiring homeschooled children to take certain achievement and proficiency examinations; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Smith, Parnell, Kirkpatrick, Ohrenschall, Denis, Atkinson, Hogan, Holcomb and Horne:

Assembly Bill No. 398—AN ACT relating to education; making an appropriation to the Department of Education for a statewide parental involvement and communications consultant; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Sherer (by request):

Assembly Bill No. 399—AN ACT relating to education; requiring the State Board of Education to prescribe instruction in flag etiquette; requiring each public school to set aside appropriate time each school year for instruction in flag etiquette; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.



By Assemblyman Sherer:

Assembly Bill No. 400—AN ACT relating to state financial administration; requiring the Department of Administration to prepare a long-term strategic plan for the State; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Sherer (by request):

Assembly Bill No. 401—AN ACT relating to remedies; providing that the sheriff must deliver a writ of garnishment by personal service to the garnishee defendant or his employee or agent; providing that the time limitation for a garnishee to answer interrogatories is tolled for any period during which the plaintiff and defendant have entered into negotiations for settlement; authorizing a court to order a garnishee to appear for the purpose of answering interrogatories; revising the jurisdiction of justices' courts; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 402—AN ACT relating to municipal obligations; amending the definition of “pledged revenues” to include certain fees imposed upon a public utility by a municipality; authorizing a board of county commissioners or a city council to pledge certain fees that are imposed on a public utility for the payment of certain general or special obligations; authorizing a board of county commissioners or a city council to use the proceeds of certain fees that are imposed on a public utility to pay the principal, interest or any other indebtedness on general or special obligations; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 403—AN ACT relating to education; requiring the Department of Education to release and provide for the public dissemination of certain portions of the high school proficiency examination; making an appropriation for the development of examinations to replace the examinations that are released; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 404—AN ACT relating to residential leasing; removing the exemption for landlords who own and personally manage four or fewer dwelling units from provisions relating to landlords and tenants; exempting from the requirements for a state business license natural persons whose sole business is the rental of four or fewer dwelling units to others; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 73.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 92.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 108.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 389 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 392 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 398 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 192.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 192 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 94:

YEAS—42.

NAYS—None.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 95:

YEAS—42.

NAYS—None.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 220:

YEAS—42.

NAYS—None.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.  
Mr. Speaker presiding.  
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the action whereby Assembly Concurrent Resolution No. 10 was referred to the Concurrent Committees on Education and Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 382 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Judiciary and 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 11:52 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.  
Mr. Speaker presiding.  
Quorum present.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.  
Motion carried.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 5:06 p.m.  
Madam Speaker pro Tempore presiding.  
Quorum present.

Madam Speaker pro Tempore appointed Assemblywoman Ohrenschall and Assemblyman Sibley as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Shelley Berkley.

The President of the Senate and members of the Senate appeared before the Bar of the Assembly.

Madam Speaker pro Tempore invited the President of the Senate to the Speaker's rostrum.

Madam Speaker pro Tempore invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:13 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Tiffany, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Mabey, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Carlton and Assemblyman Ocegüera to wait upon Representative Berkley and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Shelley Berkley, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Madam Speaker pro Tempore welcomed Representative Berkley and invited her to deliver her message.

Shelley Berkley, United States Representative, delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA  
SEVENTY-THIRD SESSION, 2005

Thank you very much for that lovely applause. I appreciate it very much. Mr. Speaker, Madam President, members of the Legislature, Constitutional Officers, Supreme Court Justices, honored guests, thank you very much for inviting me to speak with you this evening. I appreciate the opportunity. I know how very busy you all are. I promise not to take up too much of your very valuable time, but I must say I do look forward to this biannual ritual. It is wonderful to come here and it is wonderful to see all of you. I think it is very important to share with you what is happening in Washington, how it impacts on your work, and how what I am doing impacts on the work you are doing as well.

A few weeks ago I had an opportunity to share an extraordinary experience with my fellow Nevadans. I had an opportunity to participate in the dedication ceremony of the Winnemucca statue. I can tell you, I have attended many ceremonies in Washington D.C., but I cannot remember being moved by a single one until our Sarah Winnemucca ceremony. We were in the nation's capitol rotunda where there were over 300 Nevadans lead by the Governor and his wife Dema, and we were paying tribute to a woman, and there are very few statues of women in our nation's rotunda, and a Native American woman. It was a proud day for the state of Nevada and

I know you will enjoy your dedication ceremony here in April as much as we enjoyed it in Washington D.C. It was truly spectacular.

I am now in my fourth term of serving in the United States House of Representatives. I still come home almost every weekend and I still sit on three committees. What I would like to do tonight is share with you what we are doing on each of those committees so you have a better understanding of the work that I am doing on behalf of the people that we equally and mutually represent in this state.

As you all know, I sit on the Veterans' Affairs Committee, and you have heard this before, we have the fastest growing veterans' population in the United States right here in Nevada. There are 240,000 veterans in the state of Nevada. Almost 200,000 reside in southern Nevada where we have almost no veterans' medical care for them. I have 80-year-old veterans standing in 100 degree temperature waiting for a shuttle to pick them up to take them to one of ten locations where they can get clinical help and health-care help. We share hospital facilities with Nellis Air Force Base, but the enlisted get preference over the veterans; 1,500 veterans from southern Nevada have to go to southern California to get their health-care needs met. We were in desperate need of VA facilities in southern Nevada.

I am very pleased to report that President Bush's budget contained \$199 million for a full-service VA medical center in southern Nevada. There will be a full-service hospital. There will be a full-service outpatient clinic. There will be a long-term care facility for those veterans who are no longer able to care for themselves. The land has been transferred from the Interior Department to the VA; \$25 million was appropriated last year for startup money. The architects have been selected and we are going to pass that \$199 million appropriation, break ground in 2006, and have this thing completed by 2009. I have always felt and have said that I feel like the mother hen. I am going to sit on this nest until this egg is hatched. I am very happy to say I am feeling some rumblings. I am looking forward, not only to turning over that first spade of dirt in order to start the process, but I am looking forward to being there to cut that ribbon, and I hope that all of you will be there along with me. This is important for the veterans whom we represent.

As pleased as I am that we have \$199 million set aside in our budget for a veterans medical center, I am equally disappointed with some of the proposals that are included for our veterans, and I want to share those with you because, not only will I oppose them, I am going to fight them tooth and nail. There is a proposal that there should be a \$250 enrollment fee for our veterans to access health care in this nation. There is also a proposal to double the co-pays for prescription medication for our veterans. I think our veterans have sacrificed enough, and I don't think we should be balancing our budget on the backs of our veterans. These costs should not be included and I will fight them, I promise you that.

I also sit on the Transportation Committee. The House recently passed a \$285 billion transportation bill, which funds highway programs for the next six years--every highway program in the United States for the next six years. Nevada's share will rise to \$1.5 billion. That is \$300 million more than we had the last time. Nevada's per capita federal highway funding now ranks sixth out of the 50 states. While I cannot tell you every project throughout the state of Nevada, I would like to share with you what will be done in Congressional District 1, because so many of you will be a part of that and have constituents that are affected by this. There will be \$10 million for the I-15 Las Vegas Beltway Interchange, \$10 million for US 95 Las Vegas Beltway Interchange, \$8 million for the widening of I-15 and an interchange at Apex Road, \$8 million to widen US 95 in the northern stretch of the Las Vegas Valley, \$6 million to build a new Intermodal Transportation Terminal in downtown Las Vegas, \$5 million for Smart Signs and traffic flow monitoring equipment, and \$2 million for Bus Rapid Transit on Boulder City as we have introduced in North Las Vegas. These improvements and innovations are going to help the quality of life in our state, the quality of life of our citizens, help improve the air quality, and we could not have done this without the help of the Regional Transportation Commissions, north and south, and NDOT. They have done a remarkable job educating your congressional delegation of what the transportation needs are in this state, and in comparison to the NDOT's and Regional Transportation Commissioners that I have met throughout the United States, ours are head and shoulders above all the others. You ought to know that because we should all be very proud of their help.

My third committee assignment is the International Relations Committee. I sit on the Middle East Subcommittee. My area of jurisdiction is Iran, Iraq, Afghanistan, and the entire Middle East. Needless to say, it has been on the news in the last few years. I want to talk to you about a few of the countries. Although we could spend an entire speech on this, I am going to go through this very rapidly, but it is important for you to know what is going on in our nation's capital when it comes to these particular nations, because they impact all of us in a very direct way.

Iraq. No matter what you thought about going into the war, or what you think about it now, we have troops on the ground, men and women serving in a very dangerous theater of war. Sixty percent of Nevada's National Guard has been deployed. Our Nevada Army Reserves, our Nevada Marine Reserves, are among the highest percentage deployed in the nation. Deployment out of Nellis is an extraordinarily high percentage of those who are stationed at Nellis. I have attended, I am very sorry to say, a number of memorial services for our fallen soldiers. These are youngsters, 19-20 years old. In talking with their parents, I can tell you, I was struck by the fact that their families are so very proud of their children and proud of the sacrifices they have made on behalf of this great nation. Now I can't end this war on my own, and I can't win it on my own, but what I can do is make sure that our troops have the best equipment, the best protection, and the best training that we can provide for them.

I do have a serious concern. Our military personnel are stretched to the limit. It is very, very thin, while we have other serious hotspots throughout the world. Iran is a looming problem. North Korea is a looming problem. While bringing democracy to Iraq is a very laudatory goal we must be mindful of the other challenges. In my opinion, China is a threat that we will be facing in the next decade. They are an economic power, and rapidly becoming a very strong economic power, and they are a very strong military power and becoming stronger by the day. We cannot afford to deploy our forces and weaken our forces to the point that, if a nation like China makes a move that is a danger to the rest of the world, we will be unable to stand up and do what we must do. So, while I know of the importance of democratizing a region that has not known democracy, and in the long run I appreciate how important it is, I think it is equally important to realize that we need an exit strategy, know what it is that our goals are, go for our goals, and get out.

Everyone knows of my interest in the Middle East. With Arafat in control of the Palestinian Authority there was no chance for peace in the Middle East. With Arafat's death and the election of Abu Mazin, I think, for the first time in many, many years, we have a real opportunity to bring peace in a two-state solution in a very troubled part of the world. I envision a Jewish State of Israel living side-by-side with a Palestinian State, in peace, with secure borders, and Israel's right to exist recognized by the Palestinians and all of its Arab neighbors. I think that there is a genuine move in that direction and we need to do everything in Congress to ensure that both parties come to the table, make a deal, and the United States act as a guarantor to make sure that that deal is carried out. I am very cautiously optimistic that this time has come. I think we have a very short window of opportunity. We need to take this time to do it and I think we will, and I think we can, and both peoples will be better off for it, and the world will be more at peace.

One of the worst offenders of human rights, religious freedoms, equal rights for women, and a country that has no democratic institutions is Saudi Arabia. It is the biggest exporter of terrorism and the financier of terrorists for the last 30 years. It is no accident that 15 of the 19 terrorist attackers of the World Trade Center and the Pentagon were Saudis. This week, the United States Congress actually voted to continue foreign aid to the Saudis. I happen to believe \$56 a barrel is enough foreign aid for the Saudis. We continue to pretend that this radical fundamentalist state is our ally and is our partner in our fight against terrorism. There is only one reason, and one reason alone, that we continue this fiction, and that reason is oil. We are dependent on foreign oil, Saudi oil, for our energy needs. Our nation must develop an energy policy for the 21st century. We must develop renewable energy sources that will make this nation energy self-sufficient so that our children, our grandchildren, and future generations of Americans won't be dependent on foreign oil to satisfy our energy needs, and isn't dependent on nuclear energy, which has a deadly by-product, nuclear waste, that has never been figured out how to safely dispose of. Burying it in the Nevada desert is not the answer.

As you are all well aware, last week the Department of Energy acknowledged that employees at Yucca Mountain, allegedly, although I believe there is good evidence of it, faked the scientific

documents relating to the work on the proposed dump. Now, this documentation must have been really falsified for the Department of Energy to have to come clean and come public. This, coupled with the starving of the funds and the cutting of the funds that our senior Senator has done so beautifully, the radiation standards, which, according to the Circuit Court of Appeals judgment last May, they miscalculated the radiation standards by a mere 290,000 years, which I think is a bit much, and transportation issues we have never figured out. We have never done the study on how we are going to safely transport 77,000 tons of toxic nuclear material across 43 states safely without any accident or terrorist attack. With all of these things, even the nuclear industry is beginning to look at alternatives for storage of nuclear waste. What is their alternative? Leaving it on-site, in dry cast storage, exactly what Senator Bryan suggested over a decade ago.

I believe that Nevada has a potential to lead the nation in renewable energy with our solar, geothermal, and endless supply of wind. Our state's renewable portfolio standard, which this Legislature passed a few terms ago, should be serving as a national model. It should be part of our nation's energy policy. You should all be congratulated on the foresight and the vision to have implemented that legislation before it became trendy. I, for one, not only applaud you, I have given you the ultimate compliment by stealing your idea and introducing it in the United States Congress.

You have heard this before. I represent the fastest growing congressional district in the United States, with the fastest growing senior population. Issues that affect my senior citizens are very important to me. So, when the United States Congress passed the so-called Prescription Medication Bill last year, in the middle of the night, we started voting at 3:00 and ended at 6:00 a.m., we passed a sham of a legislation. It doesn't provide affordable prescription medication for most seniors. It is outrageously expensive. It has yet to be implemented and the cost has now gone from \$500 billion to close to \$1 trillion. It is a gift, plain and simple, to the pharmaceutical companies. It actually has a provision that was passed by the United States Congress without my help that forbids the federal government from negotiating for lower prices just as the VA gets to negotiate for lower prices because they are negotiating in bulk. We have legislation that prohibits such negotiation. To add insult to injury, the Congress voted against the reimportation of prescription medication from Canada. Let us be clear on this, we are talking about the same medication, the same pharmaceutical companies, selling their products for 50 percent less in Canada than they do here in the United States. I am very pleased to see that this Legislature is now looking at a bill that would allow seniors to access safe, affordable prescription medications in Canada. This is an innovative plan that would save seniors real dollars. I am a strong supporter of reimportation in Congress. I am a strong supporter here. I certainly hope that you do look at this and pass it.

Another issue that affects seniors is Social Security. You see my button. It says, "Do not gamble with Social Security." We in Nevada understand a gamble, but we know a sure bet, and we know a not sure bet, and Social Security privatization is not a sure bet. In Nevada, we have 327,000 people who receive some sort of Social Security benefits. 221,000 are retired workers, 40,000 are disabled workers, and there are 24,000 children who receive Social Security benefits in our state alone. We have a problem with Social Security. Anybody that doesn't acknowledge it I think is wrong. It is not a crisis. Medicare is a crisis, Social Security is not. The Social Security Trust Fund is solvent and will continue to pay full benefits until at least the year 2041. If Congress does nothing, absolutely nothing, after 2041 seniors will receive 80 percent of the Social Security. But Social Security will not remain solvent for long if we divert \$2 trillion dollars to create the so-called private accounts. The President of the United States acknowledges that private accounts will do nothing to protect the solvency of the Social Security system. Our seniors will not remain solvent if their benefits are slashed by 40 percent in anticipation of reaping large, large profits from their private investment accounts, and their private investment accounts won't be solvent if there is a downturn in the stock market, and their account loses its value. If this had been implemented and was in place in the year 2000 and you retired, you would have made out like a bandit. If you retired in 2002, your portfolio would have been down by 40 percent. Now, which one of us is going to gamble this nation's seniors' future on something as uncertain as our stock market? Social Security is an American success story. It safeguards older Americans' independence and economic security. It is a safety net for millions



of seniors. We should not destroy a program that is working. We should fix it. We should extend it. We should not dismantle it and we should not privatize it.

I voted against the President's budget and I am going to share with you why, because you need to know if this budget had been passed the way it was proposed, it would have hurt Nevada and it would have hurt the people that we all represent. The Legislature, all of you, would have had, and will have, many additional problems to deal with if, in fact, this budget passes. I am going to share some of those cuts with you now. There was \$12 million in cuts to Nevada's Homeland Security funding. The formula does not take into account the 40 million visitors that we have every year in this state. If, God forbid, we experience a terrorist attack, not only would we be responsible for our residents, we are responsible for those visitors as well. \$1.2 million cuts in grant funding to help Nevada with bioterrorism prevention and medical response. Total elimination of the COPS program, which has put more than 400 police officers on Nevada streets. North Las Vegas is dependant on the COPS program and it has been zeroed out. \$3.7 million in cuts to WIC. \$12 million cuts to Head Start and to help abused kids in Nevada. Shortchanges to the Leave No Child Behind Act by \$9.4 billion, including \$7.2 billion for Title I programs and it freezes funding for after-school programs. That hurts growth states like Nevada in a disproportionate way. You hurt Nevada because of our extraordinary growth. For the second year in a row, it eliminates all national dropout prevention program money. Nevada has one of the highest dropout rates in the nation. We need that dropout prevention money. We need it desperately. It eliminates Even Start, which is early child education, adult literacy, and parenting education, a program where roughly half of the participants are Latino. It eliminates GEAR UP, which helps high-risk students achieve success in high school and prepares them for college. For a woman like me, who comes from a family where her father has a ninth grade education and her mother barely graduated high school, I don't think I am very much different from the kids that are dependant on this program to get out of high school successfully and get into college. It eliminates TRIO and Upward Bound, which has helped 2.2 million students in Nevada and nationwide transition from high school to college. The Bush budget eliminates all the Perkins Loans for college. It eliminates loan forgiveness for those who become teachers and law enforcement officials, or who serve in the military.

We have 172,000 Medicare recipients in the state of Nevada. The proposed reductions in Medicaid spending would put an extraordinary burden on our State's programs. We cannot afford to let this happen. Under the Bush budget Nevada will see the loss of more than \$28 million in cuts for housing, employment counseling, and transition assistance in small business funding. Microloans that help women-owned and minority small businesses have been zeroed out. For the third time in a row the Bush administration has eliminated all funding for the SBA's Flagship 7 (a) loan program. We will fight, as we did in the last two sessions, to make sure that that funding goes back in. There are significant cuts to the Community Development Block Grant program, which provided more than \$24 million to Nevada last year, including funding for programs to help Nevadans cope with HIV/AIDS, and that stands to lose an additional \$3.5 million. Nevada faces a \$1.7 million cut in clean water funding. That impacts Lake Mead and Lake Tahoe, which get millions of dollars of grants from this program. Southern Nevada Public Land Management Act (SNPLMA), the Bush budget diverted \$700 million, or more, annually from the Nevada Land Sales to pay for other spending. \$300 million for Lake Tahoe restoration funded through the proceeds from this act, and it provides financial resources to pay parks and trails and to enhance recreational opportunities and conservation measures. This is a bad cut and we have fought as a united congressional delegation to stop it. We have dodged the bullet so far in the Congress. In the House of Representatives we are not done yet. In running a sea of red with deficit spending as far as the eye can see, I can bet my life on the fact that they are going to keep coming after that money, time and time again. This delegation is united in protecting the state of Nevada and protecting those funds that have done such an extraordinary job for our state.

The NCAA bill was recently introduced. When March madness began the NCAA bill came back to rear its ugly head. As you all know, that would hurt the state of Nevada. It singles out the state because we are the only state in the nation that has legal betting on collegic sports. Rather than going after the illegal betting, which is a \$380 billion thriving business in this country, they are going after the legalized gaming in the state of Nevada where you have to be 21 to place a

bet and you have to be present in order to place it. We have fought back this bill every session since I started in Congress and we will do the same again. Now I am cochairing, with Congressman Gibbons, the gaming caucus, the Congressional Gaming Caucus. We will use that as a vehicle to rally the troops in Congress and protect the state of Nevada once again.

Now, while Congress has been fixated on steroids hearings and, unfortunately, the tragic, gut wrenching, and what should be a private family medical decision in Florida, we actually have a great deal of extraordinarily important issues to be tackling. We have Social Security, Medicare, affordable prescription medication, energy, war, burgeoning deficits, and huge trade imbalances. I am convinced that we must work together, in a bipartisan manner, to come up with real and lasting solutions to these problems before they envelope us and swallow us up. It is time for this nation to start thinking about what is in the long-term best interest for our great country, not what is polling well for the next election.

I want to thank all of you for, first, patiently listening to what I have to say. I appreciate being here and visiting with all of you. I have many very, very dear friends in this House, this Body, this Legislature. I appreciate the work that you do on behalf of the constituents that we represent. I want you to know, Republican or Democrat, I have an open door in our nation's capital. You are welcome anytime, anyplace, anywhere, and let us work together on behalf of the people we represent, this great state of Nevada, this great country of ours. I thank you very much for being there, being here, and making this world a better place to live. Thank you all.

Senator Lee moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able, and constructive message.

Seconded by Assemblywoman Gerhardt.

Motion carried unanimously.

The Committee on Escort escorted Representative Berkley to the Bar of the Assembly.

Senator Coffin moved that the Joint Session be dissolved.

Seconded by Assemblyman Hogan.

Motion carried.

Joint Session dissolved at 5:46 p.m.

#### ASSEMBLY IN SESSION

At 5:49 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Anderson:

Assembly Concurrent Resolution No. 11—Directing the Legislative Commission to conduct an interim study on the availability and inventory of affordable housing in Nevada.

Assemblyman Anderson moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman McCleary:

Assembly Bill No. 405—AN ACT making an appropriation to the Community College of Southern Nevada for construction of a building to house the Transportation Technology Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 406—AN ACT relating to transportation; requiring the Legislative Auditor to conduct an audit of the Las Vegas Monorail Company; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Carpenter, Goicoechea, McCleary, Sherer, and Grady:

Assembly Bill No. 407—AN ACT relating to livestock; establishing a judicial procedure for the determination of ownership of livestock seized by certain governmental agencies; requiring such a governmental agency that seizes livestock to notify the State Department of Agriculture and file a report of seizure with the district court; requiring the deposit of proceeds of certain sales of livestock into the Livestock Inspection Account; prohibiting the issuance of brand inspection clearance certificates and permits to remove animals under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Claborn (by request):

Assembly Bill No. 408—AN ACT relating to schools; providing that school police officers have concurrent power with other peace officers for the protection of children in school and on the way to and from school; requiring

the board of county commissioners of certain counties to enact an ordinance regulating traffic in a school zone and on the property of a public school; requiring that money collected from fines for violations of such an ordinance must be deposited into a special account for use by the school district to support the services of school police officers; requiring the board of trustees of a school district to supervise the chief of school police for the school district; requiring that if a board of trustees of certain school districts employs, appoints or contracts for the services of school police officers, a certain number of school police officers must serve at each middle school, junior high school and high school in the school district; making various other changes related to school police officers; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 409—AN ACT relating to public works; clarifying the applicability of certain provisions requiring the payment of a prevailing wage; requiring that certain classifications of workers be used in connection with the surveying of contractors to establish a prevailing wage; revising certain definitions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Seale (by request):

Assembly Bill No. 410—AN ACT relating to professions; providing for the exemption of certain practices from regulation by the State Board of Architecture, Interior Design and Residential Design; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 411—AN ACT relating to the transportation of pupils; requiring the Director of the Department of Motor Vehicles to prescribe the appropriate safety restraints for school buses that are operated for the transportation of pupils; requiring the board of trustees of each school district, the governing body of each charter school and each private school that provides transportation for pupils to ensure that pupils wear the appropriate safety restraint; requiring that school buses which are operated for the transportation of pupils be equipped with the safety restraints prescribed by the Director of the Department of Motor Vehicles; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 412—AN ACT making an appropriation to the Judicial Retirement Fund for the unfunded accrued liability for members of the Judicial Retirement System; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 413—AN ACT making an appropriation to the State Department of Agriculture for grants to counties to perform weed control; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman McClain:

Assembly Bill No. 414—AN ACT making an appropriation to the Department of Human Resources for expenses relating to the establishment of a Transitional Housing Task Force; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 415—AN ACT relating to the Legislature; requiring the disclosure of the name of each Legislator who requests the preparation of a legislative measure on the list of requests prepared by the Legislative Counsel; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 416—AN ACT relating to motor vehicles; transferring the Advisory Board on Automotive Affairs from the Division of Insurance of the Department of Business and Industry to the Department of Motor Vehicles; revising the membership and duties of the Board; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kirkpatrick (by request):

Assembly Bill No. 417—AN ACT relating to cemeteries; allowing the burial of pets in the same cemeteries as their former owners; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 418—AN ACT relating to taxation; authorizing the Board of County Commissioners of Clark County to increase sales and use tax to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 419—AN ACT relating to government; prohibiting the disclosure of the identity of a public officer or employee who discloses information regarding improper governmental action during an investigation without his written consent; prohibiting public officers and employees from using governmental time, property, equipment or other facility for activities relating to political campaigns; increasing the civil penalties for willful violations of ethics laws; increasing the period of time in which a state officer or employee who disclosed information regarding improper governmental action may file a written appeal relating to any reprisal or retaliatory action; providing civil penalties for repeated violations of the Open Meeting Law; prohibiting an elected public officer from running for another elected public office unless he resigns from his current office or the term of his current office has expired; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parks, Giunchigliani, Mortenson, Anderson, Buckley, Ocegüera, Perkins, and Smith:

Assembly Bill No. 420—AN ACT relating to the leasing of passenger cars; revising the provisions governing the imposition and collection of

certain fees on the short-term lease of a passenger car; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Anderson, Manendo, McCleary, Allen, Carpenter, Gerhardt, Horne, Mabey, Mortenson, Ocegüera, and Seale:

Assembly Bill No. 421—AN ACT relating to substances causing impairment; providing that once a person has been convicted of a felony for operating a vehicle or vessel while under the influence of alcohol or a controlled substance, any subsequent violation is treated as a felony; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 422—AN ACT relating to school districts; increasing the monthly salaries of members of boards of trustees of school districts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sherer and Senator Rhoads:

Assembly Bill No. 423—AN ACT making an appropriation to the City of Caliente for repair of the access road into the Caliente Youth Center which will require the construction of a single-span bridge over the Clover Creek Wash; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Goicoechea and Senator Rhoads (by request):

Assembly Bill No. 424—AN ACT making an appropriation to the Nevada Northern Railway Museum in White Pine County for various improvements; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Giunchigliani, Parks, and Atkinson; Senator Titus:

Assembly Bill No. 425—AN ACT relating to development; requiring certain counties to restrict building heights in certain areas; requiring an impact analysis be conducted on certain buildings; requiring incentives for certain types of development; authorizing certain counties to develop an

urban growth boundary in cooperation with incorporated cities within the county; establishing the Account for Smart Growth Development; requiring zoning regulations to protect certain resources and ensure smart growth; requiring applicants to hold a neighborhood meeting before applying for an amendment or variance in certain circumstances; requiring certain developments to conduct an analysis of the impact of the development on certain public resources; requiring a partial abatement from impact fees in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

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 6:01 p.m.

#### ASSEMBLY IN SESSION

At 6:04 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 311 just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 411 was referred to the Committee on Education be rescinded.

Motion carried.

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

Motion carried.

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 421 was referred to the Committee on Transportation be rescinded.

Motion carried.

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

Motion carried.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 23, 34, and 138; Senate Bill No. 114.



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 Jason Uffelmann.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Angle, T.J. Ott, and Fern Crofts.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Quyncee Horne, Jonah Vandever, and Toni Horne.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to John Lybbert, Scott McDaniel, and Steve Albertsen.

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

Assemblywoman Buckley moved that the Assembly adjourn until March 25, 2005 at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:05 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

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

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