

THE FORTIETH DAY

CARSON CITY (Friday), March 16, 2007

Assembly called to order at 11:17 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Atkinson and Hardy, who were excused.

Prayer by the Chaplain, Pastor Patrick Propster.

An Irish proverb: "May the sun rise up to greet you, may the wind always be upon your back, and may you be in Heaven a half hour before the devil knows you are dead."

John 3:16-17: "For God so loved the world that He gave His only begotten Son, that whoever believes in Him should not perish but have everlasting life. For God did not send His son in the world to condemn the world, but that the world through Him might be saved." Lord, on this third month, sixteenth day may we be reminded of John 3:16. We thank You for Your gift of grace and ask You for Your leading and Your guiding throughout the remainder of this session.

Lord, we also pray that all schedules and deadlines be met and also your favor with and upon all our state's athletes.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera 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

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 47; Senate Bills Nos. 37, 87.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goedhart, Hardy, Mabey, Beers, Cobb, Marvel, Settlemeyer, and Stewart:

Assembly Bill No. 370—AN ACT relating to crimes; prohibiting the attempted use of a credit card or debit card of another person without the

cardholder's consent; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goedhart, Mabey, Beers, Cobb, Marvel, Settlemeyer, and Stewart:

Assembly Bill No. 371—AN ACT relating to business entities; requiring certain foreign business entities to publish annually in this State certain statements concerning the business entities; providing a civil penalty for refusal or neglect to publish such required statements; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Parks, Beers, Kihuen, Koivisto, Manendo, Mortenson, Munford, Ohrenschall, Pierce, Settlemeyer, Weber, and Womack:

Assembly Bill No. 372—AN ACT relating to elections; requiring the Secretary of State to conduct an annual drawing to determine a random alphabet to be used in determining the order in which the names of candidates for an office must appear on the ballot; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Grady and Senator Amodei:

Assembly Bill No. 373—AN ACT relating to general improvement districts; authorizing the board of county commissioners in certain smaller counties to serve ex officio as the board of trustees of certain general improvement districts authorized to furnish streets and alleys; providing that such a district may overlap another general improvement district; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 374—AN ACT relating to transportation; requiring the Department of Transportation to construct and operate permanent ports of entry on certain borders of the State; authorizing the Department to enter into agreements with other states for joint operation of ports, enter into contracts or agreements for the construction or operation of the ports, charge

commercial motor vehicles a fee to cover the cost of inspection; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 375—AN ACT relating to loans; requiring the Commissioner to adopt certain regulations concerning investors and limitations on loans to directors, officers and employees; prohibiting a mortgage broker from assigning all or part of his interest in a loan that is secured by a lien on real property under certain circumstances; requiring a mortgage banker to ensure that each loan secured by a lien on real property is serviced by certain third parties and includes a minimum fee for servicing; providing a penalty; 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 Assemblymen Beers and Stewart:

Assembly Bill No. 376—AN ACT relating to higher education; requiring the Legislative Auditor to conduct an audit of the University of Nevada, Las Vegas, with respect to compliance with the Americans with Disabilities Act; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 377—AN ACT relating to sex offenders; extending the maximum period of probation or suspension of sentence for certain sexual offenses; revising certain provisions concerning the registration of offenders convicted of a crime against a child and sex offenders; authorizing the Division of Parole and Probation of the Department of Public Safety to establish a program for the use of global positioning systems to monitor and track certain sex offenders; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 378—AN ACT relating to taxation; limiting the applicability of taxes on the rental of transient lodging to not more than 31 days of lodging; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Cobb, Settelmeyer, Allen, Beers, Carpenter, Gansert, Goedhart, Goicoechea, Grady, Mabey, Marvel, Stewart, and Weber:

Assembly Bill No. 379—AN ACT relating to welfare; providing that the head of a household which receives temporary assistance to needy families must accept work offered to him as a term of his plan for personal responsibility; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kirkpatrick (by request):

Assembly Bill No. 380—AN ACT relating to radar guns; revising certain requirements relating to the use of a radar gun; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Kihuen, Parks, Koivisto, Allen, Bobzien, Buckley, Claborn, Conklin, Denis, Gerhardt, Horne, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Parnell, Pierce, Segerblom, Weber, and Womack; Senators Titus and Woodhouse:

Assembly Bill No. 381—AN ACT relating to domestic violence; revising provisions for appointing members of the Committee on Domestic Violence; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywomen Kirkpatrick and Pierce:

Assembly Bill No. 382—AN ACT relating to health insurance; requiring certain policies of health insurance that provide coverage for certain full-time students to provide coverage for those students who take a medically necessary leave of absence from school; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Kirkpatrick and Conklin:

Assembly Bill No. 383—AN ACT relating to employment; requiring the Labor Commissioner to include a link on his website to the Social Security Administration for employers to verify employee social security numbers; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Claborn, Koivisto, Ohrenschall, and Pierce:

Assembly Bill No. 384—AN ACT relating to elections; enacting the Agreement Among the States to Elect the President by National Popular Vote; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 385—AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue special restricted licenses and establish fees for those licenses; regulating the performance of laser surgery, intense pulsed light therapy and the injection of cosmetic and chemotherapeutic substances; increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 386—AN ACT relating to interscholastic events; requiring the State Board of Education to adopt regulations governing spirit squads; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mabey (by request):

Assembly Bill No. 387—AN ACT relating to education; requiring the parent or legal guardian of a child to submit a certificate stating that the child underwent a physical examination before the child may initially enroll in a public school in this State; providing exceptions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 388—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include a provision authorizing pregnant women to obtain certain health care services from any provider of health care of their choice in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford, Koivisto, Anderson, Atkinson, Cobb, Kihuen, Manendo, Marvel, Ohrenschall, Parnell, and Segerblom:

Assembly Bill No. 389—AN ACT relating to education; revising provisions governing the establishment by the board of trustees of a school district of a policy prohibiting criminal gang activity on school property; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Cobb, Beers, Allen, Goedhart, Goicoechea, Grady, Mabey, Marvel, Settlemeyer, Stewart, and Weber:

Assembly Bill No. 390—AN ACT relating to public welfare; requiring that the State Plan for Medicaid provide for allowing recipients of Medicaid greater control and flexibility in administering personal assistance services; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford, Parks, Arberry, Beers, Claborn, Grady, Hardy, Kihuen, Koivisto, Manendo, Marvel, McClain, Pierce, Segerblom, and Stewart:

Assembly Bill No. 391—AN ACT relating to education; making decisions of the Nevada Interscholastic Activities Association and certain of its

designees final and not subject to judicial review; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford, Anderson, Atkinson, Kihuen, Koivisto, Manendo, and Segerblom:

Assembly Bill No. 392—AN ACT relating to education; requiring the boards of trustees of school districts to make available school buildings and grounds for certain youth programs; requiring the boards of trustees of certain larger school districts to adopt regulations for granting the use of school buildings and grounds for use by certain educational organizations and the general public; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 393—AN ACT relating to motor vehicles; transferring the authority for the regulation of trade practices by garagemen from the Commissioner of Consumer Affairs to the Department of Motor Vehicles; requiring that a transferor of an interest in a motor vehicle indicate if the vehicle is a rebuilt vehicle or a reconstructed vehicle; providing a penalty; 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 Assemblymen Denis, Hardy, Bobzien, Gerhardt, Kihuen, Leslie, McClain, Ohrenschall, Pierce, and Weber; Senator Titus:

Assembly Bill No. 394—AN ACT making an appropriation to the Department of Health and Human Services to establish a pilot program to provide respite care for families of persons with mental disabilities; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Denis, Smith, Bobzien, Gerhardt, Goicoechea, Hardy, Kihuen, Munford, Ohrenschall, Parnell, Pierce, Segerblom, and Stewart; Senators Carlton and Titus:

Assembly Bill No. 395—AN ACT making an appropriation to the Department of Education for a pilot program for teaching children with limited proficiency in English; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Allen:

Assembly Bill No. 396—AN ACT relating to common-interest communities; prohibiting the use of delegates or representatives to exercise the voting rights of units' owners; revising the provisions relating to foreclosure of liens against units; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; requiring applicants for a certificate for the management of a common-interest community to post certain bonds; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parnell, Anderson, Gerhardt, and Smith:

Assembly Bill No. 397—AN ACT relating to optometry; clarifying that the examination for a license to practice optometry consists of sections and not areas; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Allen, Beers, Arberry, Goicoechea, and Settlemeyer:

Assembly Bill No. 398—AN ACT relating to crimes; revising certain provisions concerning justifiable homicide; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Allen, Mabey, Beers, Bobzien, Carpenter, Gerhardt, Goicoechea, Horne, Kirkpatrick, McClain, Ohrenschall, and Stewart:

Assembly Bill No. 399—AN ACT relating to common-interest communities; authorizing the Office of Ombudsman for Owners in Common-Interest Communities to issue licenses to private ombudsmen; revising the provisions relating to the investigation and resolution of disputes concerning alleged violations; reducing the amount of fees owed by a common-interest community for the costs of administering the Office of the Ombudsman for Owners in Common-Interest Communities and the Commission for Common-Interest Communities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 400—AN ACT making an appropriation to the City of Las Vegas for allocation to the New Ventures Capital Development Company to encourage the creation of small businesses in the minority community; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 401—AN ACT making an appropriation to the Anthony L. Pollard Foundation for construction of the Carter G. Woodson Library in west Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 402—AN ACT making an appropriation to the City of Las Vegas for allocation to the Las Vegas Regional Clean Cities Coalition for an educational initiative; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady and Goicoechea:

Assembly Bill No. 403—AN ACT relating to alcoholic beverages; authorizing wineries in certain counties to engage in certain acts; requiring the Department of Taxation to adopt regulations governing certain acts of wineries in certain counties; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Taxation.

Motion carried.

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

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Madam Speaker presiding.

Quorum present.

By Assemblymen Smith, Parks, Conklin, Leslie, Anderson, Arberry, Beers, Buckley, Gansert, Gerhardt, Goedhart, Goicoechea, Kihuen, Kirkpatrick, Koivisto, McClain, Ocegüera, Parnell, Pierce, and Settlemeyer:

Assembly Bill No. 404—AN ACT relating to insurance; prohibiting an insurer from using certain credit information concerning an applicant or policyholder in underwriting or rating a policy; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Buckley, Allen, Gansert, Mortenson, Beers, Christensen, Claborn, Cobb, Grady, Horne, Kirkpatrick, Pierce, Segerblom, and Womack:

Assembly Bill No. 405—AN ACT relating to sex offenders; revising the requirements of the court in determining whether to grant probation to certain offenders; revising provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; prohibiting the misuse of information obtained from the community notification website; prohibiting a person from assisting a sex offender in eluding a law enforcement agency; revising provisions concerning the registration of sex offenders; revising the circumstances by which first degree murder may be aggravated; revising the penalty for lewdness with a child; revising the penalty for a violation of a condition imposed pursuant to the program of lifetime supervision of sex offenders; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 37.

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

Motion carried.

Senate Bill No. 87.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 193 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Ernest English, Eileen English, and Ursula Epstein.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, March 19, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly