

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 3, 2007

Assembly called to order at 11:18 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Sue Musselman.

Almighty God, we are humbly grateful for the good and gracious land in which we live. Keep us strong, free, and loyal to You, our nation, and our state. God, help the legislators who are assembled here today to successfully achieve the tasks they have set before them. Guide them and give them useful knowledge as they express their willingness to serve their fellow men and women of this great state. We pray for Your continued grace and support as they govern today.

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 Commerce and Labor, to which was referred Senate Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 230, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bill No. 306; Senate Joint Resolutions Nos. 10, 11, 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Select Committee on Corrections, Parole, and Probation, to which was referred Senate Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 1, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 24, 34, 37, 38, 106, 179.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 23.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 182, 187, 336, 339, 340, 345.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 2, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 559, 567.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 26, 27.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel.

For: A New BDR No. S-1495 (S.B. 567).

To Waive:

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

Has been granted effective: Tuesday, May 1, 2007.

WILLIAM J. RAGGIO
Senate Majority Leader

BARBARA BUCKLEY
Speaker of the Assembly

Senate Concurrent Resolution No. 26.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblymen Gansert and Carpenter.

Resolution adopted.

Senate Concurrent Resolution No. 27.

Assemblyman Mabey moved the adoption of the resolution.

Remarks by Assemblymen Mabey and Atkinson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 182.

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

Motion carried.

Senate Bill No. 187.

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

Motion carried.

Senate Bill No. 336.

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

Motion carried.

Senate Bill No. 339.

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

Motion carried.

Senate Bill No. 340.

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

Motion carried.

Senate Bill No. 345.

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

Motion carried.

Senate Bill No. 559.

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

Motion carried.

Senate Bill No. 567.

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

Motion carried.

Assemblyman Ocegueda moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguela moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 567 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Oceguela.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 540.

Bill read second time.

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

Amendment No. 638.

AN ACT making a supplemental appropriation to the Department of Health and Human Services for expenses relating to foster care; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for Clark County Integration the sum of ~~(\$3,696,791)~~ **\$3,320,695** for an unanticipated shortfall in purchased placement costs and for 14 full-time equivalent positions needed for the increased foster care caseload. This appropriation is supplemental to that made by section 20 of chapter 434, Statutes of Nevada 2005, at page 1940.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 87.

Bill read second time.

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

Amendment No. 650.

SUMMARY—Provides for audits by Legislative Auditor of entities which are not state agencies but which receive appropriations of ~~public~~ state money. (BDR 17-91)

“AN ACT relating to legislative audits; providing for audits by the Legislative Auditor of entities which are not state agencies but which receive appropriations of ~~public~~ state money; requiring such an entity, as a condition of the acceptance of an appropriation, to agree to make available to the Legislative Auditor all records of information that he determines to be necessary to conduct such an audit; and providing other matters properly relating thereto.”

Legislative Counsel’s Digest:

This act requires the Legislative Auditor, as directed by the Legislative Commission, to audit an entity which is not an “agency of this State” as defined in NRS 218.737 but which receives an appropriation of ~~public~~ state money. The audit must examine the use of the ~~public~~ state money by the entity. This act also requires such an entity, as a condition of the acceptance of an appropriation of ~~public~~ state money, to agree to make available to the Legislative Auditor all records of information that the Legislative Auditor determines to be necessary to conduct the audit. Such an audit will be subject to the terms set forth in NRS 218.737 to 218.893, inclusive, governing audits conducted by the Legislative Auditor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Legislative Auditor, as directed by the Legislative Commission pursuant to NRS 218.850, shall conduct a special audit of an entity which is not an agency of this State but which receives an appropriation of ~~public~~ state money during any fiscal year. Such an audit must, without limitation, examine the use of the ~~public~~ state money received by the entity.*

2. *As a condition of the acceptance of any appropriation of ~~public~~ state money, an entity which is not an agency of this State must agree to make available to the Legislative Auditor all books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, that the Legislative Auditor determines to be necessary to conduct an audit pursuant to this section.*

Sec. 2. NRS 218.737 is hereby amended to read as follows:

218.737 As used in NRS 218.737 to 218.893, inclusive, **and section 1 of this act**, “agency of the State” includes all offices, departments, boards, commissions and institutions of the State and the judicial department of the State, but does not include the Legislative Branch of Government.

Sec. 3. NRS 218.850 is hereby amended to read as follows:

218.850 1. Each of the audits provided for in this chapter must be made and concluded as directed by the Legislative Commission and in accordance with the terms of NRS 218.737 to 218.893, inclusive ~~†~~, **and section 1 of this act**.

2. The Legislative Commission shall direct the Legislative Auditor to make any special audit or investigation that in its judgment is proper and necessary to carry out the purpose of this chapter or to assist the Legislature in the proper discharge of its duties.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 473.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Joint Resolution No. 14 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 131:

YEAS—42.

NAYS—None.

Assembly Bill No. 131 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblymen Denis and Anderson.

Roll call on Assembly Bill No. 549:

YEAS—42.

NAYS—None.

Assembly Bill No. 549 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Bill No. 32:

YEAS—42.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Bill No. 57:

YEAS—42.

NAYS—None.

Senate Bill No. 57 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblymen Cobb and Anderson.

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

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 77:

YEAS—42.

NAYS—None.

Senate Bill No. 77 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Senate Bill No. 88:

YEAS—42.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 567 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 567.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Smith, and Mabey.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 567 does a few things today. Currently, S.B. 567 suspends all actions of the state agencies relating to lead sales tax exemptions and property tax abatements authorized in A.B. 3 of the 2005 Special Session. It also ensures our commitment to green building in the Nevada Legislature.

Last session, 63 of us voted that we supported green building, and we want to ensure our commitment to that program. Also, it allows us the opportunity to evaluate the regulations that are currently in place or not. We need to verify that the intent of the Legislature was met.

Assembly Bill 3, section 7, allowed our regulatory bodies to set regulations in place to incentivize this program. At this time, we just need to stand back and make sure that all of those regulations have been put in place. We have several applications, and it is a very important project.

Nevada is currently the leader in this, so we want to make sure that we are on the same page. We also need to ensure that, according to the *Nevada Constitution*, anytime we give an exemption we first have to make sure that our state is whole, whether it is providing for our schools, our seniors, or our government services. That is also something that will be considered.

Senate Bill 567 also talks about the 63 legislators, Assemblymen and Senators, wanting to work together to evaluate the situation to make sure that we address green building within our state. We have made a commitment to suspend the rules only temporarily.

This is kind of an important issue to all of us in here. I think that at the end of the day we have made the commitment, in the next 30 days, to look at this, to address it, and to make sure the intent of what we do in this body is put into the regulations so that we can address the fiscal impact that may happen within our state. With that, I urge your support on S.B. 567.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I, too, rise in support of Senate Bill 567. I think this Legislature has adequately demonstrated, in the last session and in this session that we care about green buildings. We care about buildings having programs that support energy conservation and renewable energy. This bill just gives us an opportunity to take a breath and look at all the actions that have taken place and make sure the regulations are sound and equitable and fair and that we are being fiscally prudent as we move forward. We have a huge responsibility to this state to make sure we are taking care of the students in our schools and the citizens in our state who we serve. I think just taking this time to make sure we are moving forward in a prudent fashion is so important to us. I hope that my colleagues will support this bill and allow us to examine what we have done, and we can do to move forward in a prudent fashion. Thank you, Madam Speaker.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker. I rise in support of Senate Bill 567. I support the desires of this body to do what is best for all of Nevada. I feel this bill will do that. I support the desire to encourage energy efficient buildings; however, a proper balance is necessary. My hope is that no one here knew what the unattended consequences or the current ramifications of Assembly Bill 3 of the 22nd Special Session would be. Thank you.

Roll call on Senate Bill No. 567:

YEAS—42.

NAYS—None.

Senate Bill No. 567 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 121, 122, 150, 177, 208, 220, and 294; Senate Joint Resolution No. 9 be taken from the General File and placed on the General File for the next legislative day.

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 12:20 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 5, 8, 18, 27, 30, 35, 75, 100, 114, and 152; Assembly Concurrent Resolution No. 22; Senate Bills Nos. 34, 151.

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 Tim Rubald.

On request of Assemblyman Beers, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Artz.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to E. Marie Brierley and Maxine Caprioli-Hight.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Dunseath.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Lynch.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Donaldson-Arnold.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Hightower and Carol Brownell.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Dillon Lambert.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of St. Elizabeth Ann Seton Catholic School: Andrew Canonico, Jerrad Peterson, David Teich, Drake Fletcher, Kyle Weston, Michael Klausmeier, B.J. Jaojoco, Rommel Pinlac, Nick Sandoval, Tony Romo, Glen Tobin, Matt Lemieux, Connor Marshall, Robert Mitchell, Adam Fitzgerald, Roberto Orellano, Kyle Del Rosario, John Michael Hansen, Jordan Turner, Gordon Quisenberry, Celina DeLeon, Angelica Licos, Maika Abdallah, Anna Boyle, Taylor Tobin, Julianna Pedri, Victoria Meyer, Aimee Galang, Natalie Marra, Alexandra Brizzolara, Kirsten Slattery, Maria Arellano, Allyssa Nevis, Paulina Castro, Haley Buss and Marissa Tompkins; teachers Timothy Curtin, Elizabeth Flanagan, Carolyn Pietrek, and R. Buss.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Halbardier and Rick Halbardier.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Marcia Turner and Amy Roukie.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to John Claudino, Alyssa Palchetti, and Robbin Reddle.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Nita Lopez and Linda Caampued.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Trounday.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Asela Engel.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Moulton.

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

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Tristram.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Rita Cannan Elementary School: Christina Avila, Govany Ayala, Salvador Barajas, Chaldean Cohen, Everado Garcia, Tanganika Hunt, Jameelah Lewis, Samuel Mendoza, Jennifer Orellana, Misitonise Poasa, Maya Quezada, Alfredo Romero, Aldo Serrano, Ramon Torrecillas, Keyah Whatley, Maya Yanez, Shawnique Williams, Destine Rodriguez, Noemi Medina, Michael Barroga, Belen Espinoza, Brandon Gonzalez, Ricardo Martinez, Juan Guerrero, Consuelo Herrera, Alicia Landeros, Irvin Maldonado, Deniset Mata, Maireny Medina, Andres Medina, Jordan Mitchell, Mykelti Mitchell, Jose Murillo, Angelo Nash, Jorge Nolasco, Angel Perez, Katherine Pintor, Selena Rojas, Alberto Ruiz, Alejandra Vargas; teachers Jeffery Falker and Darrow Brown.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Sorter.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, May 7, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly