

# NEVADA LEGISLATURE

Seventy-Fifth Session, 2009

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## ASSEMBLY DAILY JOURNAL

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### THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 10, 2009

Assembly called to order at 11:44 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Robert Foerfter.

O Thou compassionate Lord, Thou who art generous and able. We are servants of Thine, sheltered beneath Thy providence. Cast Thy glance of favor upon us. Give light to our eyes, hearing to our ears, and understanding and love to our hearts. Render our souls joyous and happy through Thy glad tidings. O Lord, point out to us the pathway of Thy kingdom and resuscitate all of us through the breaths of the Holy Spirit. Bestow upon us life everlasting and confer upon us neverending honor. Unify mankind and illumine the world of humanity. May we all follow Thy pathway, long for Thy good pleasure, and seek the mysteries of Thy kingdom. O God, unite us and connect our hearts with Thine indissoluble bond. Verily, Thou art the Giver, Thou art the Kind One, and Thou art the Almighty.

ABDUL'L-BAHA.

Pledge of allegiance to the Flag.

Assemblyman Conklin 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 Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chair*

*Madam Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Joint Resolutions Nos. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

*Madam Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN M. KOIVISTO, *Chair*

*Madam Speaker:*

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BERNIE ANDERSON, *Chairman*

*Madam Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 362, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which were referred Assembly Bills Nos. 291, 297, 407, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chairman*

*Madam Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 14, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 188, 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chair*

*Madam Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 291, 297, 362, 407, 413, 414, 429, 455, 516, 533; Assembly Joint Resolutions Nos. 5, 14 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bills Nos. 14, 188, 193, just reported out of committee, be placed on the General File.

Motion carried.

NOTICE OF EXEMPTION

April 10, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 510.

MARK STEVENS  
*Fiscal Analysis Division*

NOTICE OF WAIVER

A Waiver requested by Senate Standing Committee on Taxation.

For: Senate Bill No. 201.

To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, April 03, 2009.

STEVEN A. HORSFORD  
*Senate Majority Leader*

BARBARA BUCKLEY  
*Speaker of the Assembly*

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 291.

Bill read second time and ordered to third reading.

Assembly Bill No. 297.

Bill read second time and ordered to third reading.

Assembly Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 272.

SUMMARY—Revises provisions governing the ~~use of~~ **development** of certain ~~fees charged for processing an application for a game tag.~~ **programs and other activities conducted by the Department of Wildlife.**  
(BDR 45-709)

AN ACT relating to wildlife; revising provisions governing the ~~use of the fee charged for processing an application for a game tag;~~ development of certain programs and other activities conducted by the Department of Wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to guide the Department of Wildlife in carrying out various provisions of law governing wildlife and boating. (NRS 501.181) Existing law also provides that in addition to any fee charged and collected for a game tag, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to certain programs. ~~It~~ management activities and research relating to wildlife. (NRS 502.253) This bill provides that ~~such revenue must only be used for costs related to projects approved by~~ any such programs, activities or research must be developed or conducted under the guidance of the Board of Wildlife Commissioners. ~~for the management and control of predatory wildlife for the enhancement of mule deer populations.~~

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

Section 1. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department ~~for~~ for costs related to :

(a) Programs ~~projects~~ for the management and control of injurious predatory wildlife ;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife. ~~for the enhancement of mule deer populations.~~

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State

Department of Agriculture to develop and carry out the programs ~~projects~~ described in subsection 1.

3. Any ~~project~~ program developed or wildlife management activity or research conducted pursuant to this section must be ~~approved by~~ developed or conducted under the guidance of the Commission ~~and pursuant to subsection 2 of NRS 501.181.~~

4. The money in the Wildlife Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read second time and ordered to third reading.

Assembly Bill No. 413.

Bill read second time and ordered to third reading.

Assembly Bill No. 414.

Bill read second time and ordered to third reading.

Assembly Bill No. 429.

Bill read second time and ordered to third reading.

Assembly Bill No. 455.

Bill read second time and ordered to third reading.

Assembly Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 273.

AN ACT relating to wildlife; requiring any matching money received by the Department of Wildlife from any source to be used only for the management of wildlife; providing that certains fees from the sale of licenses, tags or permits must be used under the guidance of the Board of Wildlife Commissioners ; ~~must approve the use of that money and certain fees deposited in the Wildlife Account;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to guide the Department of Wildlife in carrying out various provisions of law governing wildlife and boating. (NRS 501.181) Existing law also requires that, with certain exceptions, all fees for the sale or issuance of stamps, tags,

permits and licenses that are required to be deposited in the Wildlife Account be used only for the management of wildlife. (NRS 501.356) This bill expands that use requirement to include any matching money received by the Department ~~of Wildlife~~ from any source ~~, and~~ **This bill also** provides that ~~any use of such~~ **certain** fees ~~and matching money~~ must be ~~approved by~~ **used under the guidance of** the ~~Board of Wildlife Commissioners~~ **Commission**.

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

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

- (a) The sale of licenses;
- (b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;
- (c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;
- (d) Appropriations made by the Legislature; and
- (e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in the Trout Management Account pursuant to NRS 502.327,  
↪ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title **and any matching money received by the Department from any source** must be accounted for separately and ~~may~~ **must** be used ~~only~~ :

- (a) Only for the management of wildlife [-]; and ~~only upon approval by~~**
- (b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission ~~[-] pursuant to subsection 2 of NRS 501.181.~~**

Sec. 2. This act becomes effective on July 1, 2009.

Assemblyman Claborn moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 533.

Bill read second time.

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

Amendment No. 271.

AN ACT making a supplemental appropriation to the State Distributive School Account for unanticipated shortfalls in Fiscal Year 2008-2009 in certain tax revenue; 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 State Distributive School Account created by NRS 387.030 the sum of ~~(\$329,279,867)~~ \$323,802,183 to cover unanticipated shortfalls in the revenue from the Local School Support Tax and the ad valorem tax pursuant to subsection 1 of NRS 387.195. This appropriation is supplemental to that made by section 2 of chapter 343, Statutes of Nevada 2007, at page 1553.

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

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 14.

Resolution read second time and ordered to third reading.

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

Motion carried.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bills Nos. 145, 285, and 348 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Arberry moved that Assembly Bills Nos. 279, 349, and 426 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 88 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 49:

YEAS—42.

NAYS—None.

Assembly Bill No. 49 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 79:

YEAS—42.

NAYS—None.

Assembly Bill No. 79 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Assembly Bill No. 109:

YEAS—42.

NAYS—None.

Assembly Bill No. 109 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that Assembly Bill No. 243 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.



Assemblyman Anderson moved that Assembly Bill No. 237 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 122:

YEAS—42.

NAYS—None.

Assembly Bill No. 122 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Carpenter.

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

Roll call on Assembly Bill No. 163:

YEAS—41.

NAYS—McArthur.

Assembly Bill No. 163 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 177:

YEAS—42.

NAYS—None.

Assembly Bill No. 177 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 205:

YEAS—42.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 233:

YEAS—42.

NAYS—None.

Assembly Bill No. 233 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 14, 188, 193, 237, 243, 249, 253, 264, 266, 280, 286, 289, 296, 301, 306, 327, 329, 332, 360, 372, 393, 403, 412, 415, 417, 459, 462, 473, 477, 483, 517, 518; Assembly Joint Resolutions Nos. 7, 10; Senate Bills Nos. 38, 109; Senate Joint Resolution No. 9 of the 74th Session 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 Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Dina Neal.

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

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Bogatz and Sydney Bogatz.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from George Westergard Elementary School: Nabila Akhter, Angelika Bumgarner, Michael Burns, Carson Buxton, Iris Cencer, Shi Chen, Duncan Crabtree, Dina Ditto, Tyler Dix, Benjamin Friedman, Jonas Gedvila, Heather Gonzales, Kaden Hardy, Devante Houston, Raegan Huckaby, Taylor Kenney, Bailey Melcher, Alexis Meyers, Zachary Murphy, Ryan O'Day, Daren Pennington, Alizeh Qureshi, Tiago Rinaldini, Zane Schroeder, Katelyn Zarate, Noelani Ahtong, Jesse Ayala-Rodriguez, Jessica Barnes, Dino Barthel-Rosa, Cassidy Dullanty, Andrea Gillespie, Sean Gutierrez, Sean Hernandez, Nicolas Jones, Shrabya Joshee, Aaron Lesher, Chris Mathews,

Richard Nava, Isabella Nielsen, Jordyn Owens, Sarah Pennington, Gregory Potts, Isabelle Richards, Austin Saunders, Madeleine Stuart, Austin Taylor, Emily Thompsen, Aaron Vaught, Henry Weisberg, Oliva Wilkins, Angel Alvarado, Sonya Bogle, Andrew Clark, Lauren Delrosario, Payton Dobbs, Skyler Dohr, Mariah Druitt, Justin Dynes, Brooklyn Gaborno, Graham Haley, Subah Islam, Monica Jensen, Armaan Judge, Annika Kerns, Christina Kerr, Tamanna Khan, Dylan Marchand, Mollie Moore, Gabriel Newberry, Brittain Oliver, Nelson Padilla, Andrew Palmer, Abigail Rivera, Tahmora Tweet-Inman, Haley Webbert, Luis Arias, Jeffery Canepa, Joshua Canepa, Collin Farquhar, Brook Garrett, Maria Grajeda Jimenez, Jessica Greene, Ashley Hobert, Grace Holliday, Sheldon Jensen, Trajan Jones, Christianae King, Joanna Le Galloudec, Noah Marcaida, Cody McCarty, Logan Mead, Cynthia Mejia Rodriguez, Anthony Morin, Cameron Nichols, Ramos Garcia Guillermo, Megan Ross, Alexander Sanchez, Darion Shaw, Haley Tomlin, and Torrie Watson; teachers Tracy Chew, Kitty Gillette, Revae Henry, and Darcie Smith; chaperones Patsy Buxton, Mei-Yung Chen, Gail Huckaby, Heidi Barnes, Luis Barthel-Rosa, Jason Leshar, Tom Potts, Gina Thompsen, Jenny Weisberg, James Wilkins, Jessica Harrington, Tom Kerns, Nicole Hosselkus, Kim Kandaras, Angela Tweet, Mason Smiley, Yuonita Dillon-Lee, and Samantha Watson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Burns and Tom Burns.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Henry Horne and Chloe Horne.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Kelsey Mastroluca and Nicholas Mastroluca.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, April 13, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 12:46 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*