

**THE FORTIETH DAY**

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CARSON CITY (Friday), March 13, 2009

Assembly called to order at 11:30 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Hardy and Mastroluca, who were excused.

Prayer by the Chaplain, President David Johnson.

Our dear, kind Heavenly Father, we pause this morning before the start of today's legislative session to remember Thee and recognize Thy hand in our lives and give thanks for the many blessings and strengths that we daily enjoy.

We thank Thee this day for this great nation, the beautiful land in which we live and for the men and women who have sacrificed so very much that we might have the peace and security that we enjoy, even the members of our armed forces, past and present. We pray for their strength and safety.

We thank Thee, Father, for the men and women of this Legislature and their families who sacrifice so very much of their time, talents, convenience, and resources in our behalf. We pray that they will be blessed with all they need, even strength, endurance, perseverance, clarity of thought, judgment, and discernment to make righteous decisions and achieve lasting benefit for the people of this great state. We pray that we, the people of this state, will recognize and appreciate the desires and efforts of legislators expend in our behalf and that we may support them and their work in bringing about a better, kinder, stronger, and safer community and state.

We pray, Father, in Thy wisdom that Thou will bless this Legislature and the people of this great state and nation with the knowledge and wisdom Thou seest we need, that after all we can do we may learn to depend on Thee to provide that which we lack and as a result, that honor and righteousness will triumph and peace, plenty, security, and brotherly love will be our goal and result.

We love Thee, dear Father, and we offer this prayer in the name of our Lord and Savior, Jesus Christ.

AMEN.

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 Government Affairs, to which was referred Assembly Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

*Madam Speaker:*

Your Committee on Taxation, to which were referred Assembly Bills Nos. 23, 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN, *Chair*

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

Assembly in recess at 11:35 a.m.

#### ASSEMBLY IN SESSION

At 11:45 a.m.

Madam Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Cobb, Carpenter, Goicoechea, Grady, Gustavson, Hambrick, McArthur, Munford, Settlemeyer, Stewart and Woodbury; Senator Washington:

Assembly Concurrent Resolution No. 16—Directing the Agency for Nuclear Projects and the Commission on Nuclear Projects to take certain action concerning the licensing and approval for the Yucca Mountain Project and encouraging the United States Department of Energy to place only certain nuclear waste in the underground repository at Yucca Mountain.

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

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Munford, Ohrenschall, Kihuen, Anderson, Claborn, Gustavson, Hambrick, Hogan, Koivisto, Manendo, McClain, Mortenson, Pierce, Segerblom, Spiegel, and Stewart:

Assembly Bill No. 318—AN ACT relating to education; revising the requirements for instruction in American government and American history in the public high schools; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Munford, Anderson, Kihuen, Smith, Aizley, Arberry, Atkinson, Bobzien, Claborn, Denis, Dondero Loop, Goedhart, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Mortenson, Ohrenschall, and Stewart:

Assembly Bill No. 319—AN ACT relating to education; prescribing certain rights for school employees; requiring full compensation for all missed days of work for an unlicensed employee if sufficient grounds for his dismissal do not exist; revising provisions relating to certain licensed employees who are reinstated after dismissal from employment; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Pierce, McClain, Bobzien, Ohrenschall, Atkinson, Buckley, Conklin, Denis, Goedhart, Kihuen, Leslie, Manendo, Ocegüera, and Segerblom; Senator Parks:

Assembly Bill No. 320—AN ACT relating to guardianships; requiring additional information in a petition for appointment of a guardian; requiring that a proposed ward be advised of his right to counsel; revising provisions relating to the attendance of a proposed ward at a guardianship hearing; requiring a guardian to petition a court before moving a ward into certain residential facilities under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hogan, Segerblom, Bobzien, Goicoechea, Grady, Leslie, McClain, and Munford:

Assembly Bill No. 321—AN ACT relating to taxation; temporarily requiring the diversion of a portion of the proceeds of an optional sales and use tax imposed in certain counties to the State to mitigate reductions in state revenue resulting from the current economic downturn; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hogan, Manendo, McClain, Aizley, Arberry, Bobzien, Cobb, Denis, Goedhart, Goicoechea, Hambrick, and Mastroluca (by request):

Assembly Bill No. 322—AN ACT relating to crimes; providing that it is unlawful for a person to engage in certain fraudulent acts in the course of an enterprise or occupation; revising provisions relating to the crime of racketeering; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady, Carpenter, Cobb, Goicoechea, Gustavson, Hambrick, Hogan, Settelmeyer, Stewart, and Woodbury:

Assembly Bill No. 323—AN ACT relating to vehicles; revising the amount of the refund of vehicle registration fees and governmental services taxes that the Department of Motor Vehicles is required to pay and the circumstances under which the refund must be made upon the cancellation of a vehicle registration; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McArthur, Hardy, Gustavson, Aizley, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hambrick, Hogan, Manendo, Settelmeyer, Stewart, and Woodbury:

Assembly Bill No. 324—AN ACT relating to ethics in government; revising provisions governing ethical standards for public officers and employees concerning gifts; revising the contents of statements of financial disclosure required to be filed by certain candidates for public office and public officers; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Stewart, Gansert, Cobb, Goedhart, Grady, Gustavson, Hambrick, Hardy, Kirkpatrick, McArthur, Munford, Settelmeyer, and Woodbury:

Assembly Bill No. 325—AN ACT relating to sex offenders; establishing certain restrictions regarding residency for persons who are convicted of certain sexual offenses; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Denis:

Assembly Bill No. 326—AN ACT relating to controlled substances; exempting certain contracts entered into by the State Board of Pharmacy from the State Purchasing Act; revising provisions governing the tracking of prescriptions for controlled substances; requiring the Legislative Committee on Health Care to conduct a study of the abuse of prescription narcotic drugs in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Denis, Arberry, Kihuen, and Munford:

Assembly Bill No. 327—AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to submit a biennial report to the Director of the Legislative Counsel Bureau for submission to the Legislature concerning the participation of certain protected classes in the Nevada System of Higher Education; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Settlemeyer, Goedhart, Christensen, Anderson, Cobb, Gustavson, Hambrick, Kirkpatrick, Pierce, Stewart, and Woodbury; Senators Amodei, Hardy, and Raggio:

Assembly Bill No. 328—AN ACT relating to the taxation of property; providing for an abatement of the ad valorem taxes levied on a single-family residence purchased by a first-time homeowner at a foreclosure sale; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goicoechea, Carpenter, Gansert, Goedhart, Grady, Gustavson, Hambrick, Settlemeyer, Stewart, and Woodbury; Senators Rhoads and McGinness (by request):

Assembly Bill No. 329—AN ACT relating to taxation; authorizing the board of county commissioners of certain smaller counties to use the money from a sales and use tax to support the operation and maintenance of a county recreational facility; requiring the county treasurer to deposit the money received in the appropriate fund; authorizing the imposition of the tax in White Pine County without further approval of the voters; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 330—AN ACT relating to mortgage lending; revising provisions relating to holders of a beneficial interest in a loan; 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 Settlemeyer, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hambrick, Stewart, and Woodbury; Senators McGinness, Nolan, and Washington:

Assembly Bill No. 331—AN ACT relating to the State Government; creating the Office of the Business Ombudsman in the Office of the Governor; providing for the appointment of the Ombudsman; setting forth his duties; prohibiting a person from willfully obstructing, misleading or attempting to mislead the Ombudsman in the discharge of his duties; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Dondero Loop, Buckley, Manendo, Smith, Conklin, Aizley, Anderson, Arberry, Atkinson, Bobzien, Claborn, Denis, Goicoechea, Kirkpatrick, Koivisto, Leslie, McClain, Munford, Ocegüera, Segerblom, Settlemeyer, Spiegel, Stewart, and Woodbury:

Assembly Bill No. 332—AN ACT relating to civil liability; revising provisions governing immunity from liability for donating, receiving or distributing certain grocery products or food; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Denis and Atkinson:

Assembly Bill No. 333—AN ACT relating to tow cars; revising certain provisions relating to the towing of vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parnell, McClain, Manendo, Anderson, Carpenter, Dondero Loop, Kihuen, Mortenson, Ohrenschall, and Segerblom:

Assembly Bill No. 334—AN ACT making an appropriation to the Nevada Rural Counties RSVP Program, Inc., for programs that support senior citizens; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parnell, Anderson, Carpenter, Cobb, Dondero Loop, Gustavson, Hambrick, McArthur, Mortenson, Ohrenschall, and Segerblom:

Assembly Bill No. 335—AN ACT relating to criminal gangs; enhancing penalties and providing for the suspension of drivers' licenses for certain

crimes committed to promote criminal gang activity; authorizing a juvenile court to certify a child as an adult for certain offenses committed to promote criminal gang activity; making various changes relating to nuisances and criminal gangs; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hambrick, Gansert, Grady, Mortenson, Munford, and Segerblom; Senator Parks:

Assembly Bill No. 336—AN ACT relating to education; revising the membership of the design team for a school district that participates in the Program of Empowerment Schools; revising the membership of the empowerment team for each public school that participates in the Program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 337—AN ACT relating to the protection of children; creating the Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure; making various other changes concerning children who are endangered by drug exposure; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman McClain:

Assembly Bill No. 338—AN ACT relating to economic development; requiring the Commission on Economic Development to administer a program of grants to nonprofit organizations that provide loans for small businesses being started by veterans and senior citizens; establishing an account to provide funds for the program of grants; requiring that certain payments made by employers be deposited into the account; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Christensen, Hardy, Settelmeyer, Aizley, Bobzien, Claborn, Cobb, Gansert, Goedhart, Goicoechea, Gustavson, Hambrick, Hogan, Kirkpatrick, Mortenson, Munford, Segerblom, and Stewart; Senators Parks, and Cegavske:

Assembly Bill No. 339—AN ACT relating to energy; authorizing an owner of property on which electricity is generated using renewable energy to sell the electricity to a person who leases or rents the property; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Christensen, Gustavson, Settlemeyer, Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hambrick, Hardy, Stewart, and Woodbury; Senator Cegavske:

Assembly Bill No. 340—AN ACT relating to education; establishing the Nevada Opportunity Scholarship Program; authorizing parents and legal guardians of certain pupils to apply for participation in the Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of money for the education of pupils who participate in the Program; and providing other matters properly relating thereto.

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

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

Assembly in recess at 11:59 a.m.

#### ASSEMBLY IN SESSION

At 12 noon.

Madam Speaker presiding.

Quorum present.

Assemblyman Christensen withdrew the motion that Assembly Bill No. 340 be referred to the Committee on Education.

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

Motion carried.

By Assemblymen Gustavson, Christensen, Goedhart, Goicoechea, Grady, Hambrick, Hardy, McArthur, Settlemeyer, and Stewart; Senators Lee, McGinness, and Washington (by request):

Assembly Bill No. 341—AN ACT relating to brand inspections; requiring a governmental entity to obtain approval for the seizure of certain animals subject to brand inspection from the district court of the county in which the animals are seized; and providing other matters properly relating thereto.

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

Motion carried.



By Assemblymen Gustavson, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, and Woodbury; Senators Hardy, McGinness, and Washington:

Assembly Bill No. 342—AN ACT relating to state financial administration; requiring certain state agencies to adopt a program to improve the efficiency of and the services provided by the state agency; authorizing such a state agency to expend a portion of its budgetary savings resulting from carrying out such a program for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 343—AN ACT relating to education; requiring the board of trustees of a school district to adopt a policy to exempt a pupil who is employed in the entertainment industry from the minimum number of days of attendance if the pupil has completed course-work requirements; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Gustavson:

Assembly Bill No. 344—AN ACT relating to elections; eliminating requirements that various petitions for initiative and referendum be accompanied by an affidavit of the person who circulated the petition attesting to various facts about the circulation and signature-gathering process; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 345—AN ACT relating to taxation; revising the amounts of certain veterans' exemptions from property taxes and governmental services taxes; expanding the applicability of the exemptions from those taxes for veterans with permanent service-connected disabilities; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Taxation.

Motion carried.

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 12:05 p.m.

Madam Speaker presiding.

Quorum present.

By Assemblyman Cobb:

Assembly Bill No. 346—AN ACT relating to insurance; revising requirements regarding the filing and approval of certain health insurance policies and plans; allowing basic coverage policies and plans to exclude certain mandatory coverage; revising provisions governing the availability and portability of certain health insurance; revising provisions governing continuing coverage under certain group health insurance; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Cobb, Hambrick, McArthur, Gustavson, Goedhart, Christensen, Gansert, Goicoechea, Grady, Hardy, Settlemeyer, Stewart, and Woodbury; Senator Washington:

Assembly Bill No. 347—AN ACT relating to foreign nationals; prohibiting an award of punitive damages to a person who is not a citizen of the United States; prohibiting the use of threats relating to the immigration status of a person to compel a person to perform certain acts; requiring a person to submit proof of citizenship to register to vote; prohibiting a person from voting when that person knows that he is not entitled to vote; providing that a person is not eligible for a Governor Guinn Millennium Scholarship if the person is not a citizen of the United States; providing that a person is not eligible to receive certain state benefits if the person is not a citizen of the United States; providing that a person applying for a driver's license must submit proof that the person is lawfully present in the United States; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford, Anderson, Ohrenschall, Kihuen, Spiegel, Aizley, Arberry, Atkinson, Bobzien, Claborn, Denis, Gansert, Goedhart, Hogan, Kirkpatrick, Leslie, Manendo, McClain, Mortenson, Ocegüera, Pierce, Segerblom, and Stewart:

Assembly Bill No. 348—AN ACT relating to education; requiring each public school to post a notice of information concerning certain courses, services and programs available to pupils enrolled in the school district;

requiring that the notice be provided to the parents and legal guardians of those pupils; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parnell, Leslie, McClain, Bobzien, Goicoechea, Grady, Koivisto, and Settlemeyer:

Assembly Bill No. 349—AN ACT relating to emergency medical services; providing for the endorsement of intermediate emergency medical technicians to administer immunizations, dispense medication and provide certain services for a public health emergency or otherwise satisfy public health needs; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Munford, Kihuen, Segerblom, Aizley, Anderson, Claborn, Denis, Gansert, Hogan, McClain, Mortenson, Pierce, Settlemeyer, and Stewart:

Assembly Bill No. 350—AN ACT relating to common-interest communities; revising provisions relating to amendments to the declaration of a common-interest community, the terms of office and actions of members of the executive board of an association, the payment of fines and assessments, the rights of a unit's owner with respect to meetings and the review of certain documents, the foreclosure of a lien upon a unit and the sale of a unit; making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Christensen, Settlemeyer, Stewart, and Woodbury:

Assembly Bill No. 351—AN ACT relating to education; changing the name of the Governor Guinn Millennium Scholarship Program to the Governor Guinn Millennium Scholarship and Millennium Loan Program; prescribing the criteria for eligibility to receive a Millennium Loan; prescribing the criteria for the repayment of a Millennium Loan upon graduation or withdrawal from an eligible institution; providing that certain students who reside in this State after graduation from an eligible institution are not required to pay interest on the Millennium Loan; and providing other matters properly relating thereto.

Assemblyman Christensen 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. 34.

Bill read second time and ordered to third reading.

Assembly Bill No. 187.

Bill read second time and ordered to third reading.

Assembly Bill No. 199.

Bill read second time and ordered to third reading.

Assembly Bill No. 242.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 254 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 216.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 216:

YEAS—40.

NAYS—None.

EXCUSED—Hardy, Mastroluca—2.

Assembly Bill No. 216 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 14, 15; Assembly Resolution No. 4; Senate Joint Resolution No. 5; Senate Concurrent Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Keely Thoreson and Luke Walker.

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

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

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, March 16, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 12:21 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL  
*Chief Clerk of the Assembly*