

THE FIFTIETH DAY

CARSON CITY (Monday), March 23, 2009

Assembly called to order at 11:28 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Cobb, who was excused.

Prayer by the Chaplain, Pastor Robert Jennings-Teats.

O Wisdom on High, by You the humble are guided in judgment, and light rises up in the darkness for the righteous. Grant us, in all doubts and uncertainties, the grace to ask what You would have us do, that we may be saved from all false choices, and that in Your light we may see the light, and in Your straight path may not stumble. With a love for Your people in our hearts, a firm commitment to the best interest of Nevada in our thoughts, and with mutual respect even for our adversaries in our actions, we seek Your blessing. Give us Your light and Your truth, let them guides us; in Your Holy and Precious Name.

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.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 16—Proposing to amend the Nevada Constitution to revise the provisions governing a petition for a state initiative or referendum.

Legislative Counsel's Digest:

Pursuant to Section 2 of Article 19 of the Nevada Constitution, the people of the State of Nevada have reserved to themselves the power to propose statutes, amendments to statutes and amendments to the Nevada Constitution by initiative petition. If the petition meets certain criteria, it is placed on the general election ballot, where the people of the State of Nevada are then given the right to vote to enact or reject such proposals. In 2006, however, a portion of this provision of the Nevada Constitution was held unconstitutional by the U.S. Court of Appeals for the Ninth Circuit. *ACLU of Nev. v. Lomax*, 471 F.3d 1010 (9th Cir. 2006). The Ninth Circuit Court found that the requirement that an initiative petition contain a certain number of signatures gathered from 75 percent of the counties in this State in order to qualify for the ballot, the "13 Counties Rule," violated the equal protection principle of "one man, one vote" by diluting the votes of residents of densely

populated counties and was not narrowly tailored. *Id.* at 1013. Thus, the Ninth Circuit Court held that Section 2 of Article 19 of the Nevada Constitution violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. *Id.* The Court further indicated that if a certain number of voters were required from state legislative districts rather than counties, it would alleviate the equal protection concerns. This resolution proposes to amend Article 19 of the Nevada Constitution to remove the unconstitutional provisions and instead require that an initiative petition be signed by a number of the registered voters from each congressional district in this State which equals 10 percent of the number of voters who voted at the last preceding general election in the congressional district. This resolution further provides that the number of registered voters required to file an initiative or referendum petition must be determined by the Secretary of State not later than January 1 of the year before the year in which the election will be held.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the secretary of state. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this state equal to 10 percent ~~for more~~ of the number of voters who voted at the last preceding general election shall express their wish by filing with the secretary of state, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire State. ***The number of registered voters required to file the petition must be determined by the secretary of state not later than January 1 of the year before the year in which the election will be held.*** The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the state and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters ***from each congressional district in this State*** equal to 10 percent ~~for more~~ of the number of voters who voted at the last preceding general election in ~~not less than 75 percent of the counties in the State, but the total number of~~

~~registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.} the congressional district.~~
The number of registered voters required to file the initiative petition must be determined by the Secretary of State not later than January 1 of the year before the year in which the election will be held.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was

originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

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

Motion carried.

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

Motion carried.

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 469, 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 was referred Assembly Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY JR., *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 487—AN ACT relating to education; requiring the development of an academic plan for pupils enrolling in their initial year at a

middle school or junior high school; requiring small learning communities in certain larger middle schools and junior high schools; requiring a program of peer and adult mentoring for pupils initially enrolling in middle school or junior high school; requiring a pupil enrolled in middle school or junior high school to conduct at least one conference on his educational progress; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 488—AN ACT relating to education; revising provisions governing the allowances that may be paid to a retired public employee who accepts employment or an independent contract with the board of trustees of a school district or the governing body of a charter school in a position for which there is a critical labor shortage; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 489—AN ACT relating to education; revising provisions relating to sponsorship of charter schools; creating the Nevada Charter School Institute for sponsorship of charter schools; prescribing the membership, duties and powers of the Institute; repealing the Subcommittee on Charter Schools of the State Board of Education; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 490—AN ACT relating to private investigators; revising the experience required for the issuance of a private investigator's license; 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 the Committee on Government Affairs:

Assembly Bill No. 491—AN ACT relating to civil actions; providing that a certain amount of money held in a bank that is likely to be exempt from execution is not subject to a writ of execution or garnishment; providing a procedure to execute on property held in a safe-deposit box; revising the procedure for claiming an exemption from execution on certain property;

making various other changes to provisions governing writs of execution, attachment and garnishment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 492—AN ACT relating to taxation; imposing certain requirements on the enactment of abatements and exemptions from property taxes and sales and use taxes; requiring certain reports from the Department of Taxation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 493—AN ACT relating to state purchasing contracts; prohibiting companies that are involved in specified activities in the country of Sudan from entering into a contract with certain state agencies for the provision of goods or services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 494—AN ACT relating to the Legislature; requiring the Legislative Commission to provide for a study conducted by the staff of the Legislative Counsel Bureau concerning the major expenditures of local governments in this State to allow the Legislature to consider consolidating services provided by local governments; requiring local governments to report their three largest categories of expenditure to the Legislative Commission in the manner prescribed by the Commission for the purposes of the study; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 495—AN ACT relating to professional negligence; revising the damages that may be awarded in certain actions based on professional negligence; revising various provisions relating to the statute of limitations in such actions; establishing certain evidentiary standards in such actions; repealing certain provisions related to such actions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 496—AN ACT relating to the Commission on Judicial Discipline; revising the statute of limitations for filing certain complaints with the Commission; revising provisions concerning the grounds upon which the Commission may discipline a judge; authorizing the Commission to impose additional forms of discipline upon a judge who is the subject of a complaint; revising certain provisions concerning the confidentiality of the proceedings of the Commission; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 497—AN ACT relating to the criminal justice system; providing for the collection and sharing of certain statistical data and information relating to the criminal justice system; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 498—AN ACT relating to sentencing; authorizing a court to impose a sentence that is under the prescribed minimum sentence under certain circumstances; authorizing a court to grant probation to a person who is otherwise ineligible for probation under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 499—AN ACT relating to criminal procedure; requiring a prosecutor to provide a defendant with certain discovery when the defendant is brought before a magistrate after an arrest; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 500—AN ACT relating to domestic relations; revising provisions relating to adoptions; revising provisions relating to the termination of parental rights; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 501—AN ACT relating to liens; revising provisions governing the commencement of certain work; revising provisions concerning claims of a lien; revising provisions relating to the attachment of certain liens to property; revising the requirements of a surety bond; revising certain notice provisions; revising provisions concerning waiver of certain rights or obligations; revising provisions governing the waiver and release of a claim of a lien; making various other changes pertaining to liens; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 502—AN ACT relating to prisons; providing that certain provisions relating to the escape of a prisoner from a facility or institution operated by the Department of Corrections also apply to the escape of a prisoner from a private facility or institution operated by a private organization; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 503—AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership, compensation and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding its recommendations on the ballot for the general election to be held in 2010; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 504—AN ACT relating to traffic laws; authorizing the use by a local governmental agency of an automated enforcement system for gathering evidence to be used for the issuance of a traffic citation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 505—AN ACT relating to education; requiring the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are ready for postsecondary education and the workplace; revising provisions governing the academic plans for ninth grade pupils; requiring instruction on financial responsibility in high school; authorizing the issuance of an adjusted adult diploma for certain persons; requiring peer and adult mentoring for ninth grade pupils; requiring school districts to adopt a policy for the remediation of deficient credits; requiring school districts to adopt a policy for pupils to report unlawful activities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 506—AN ACT relating to affordable housing; specifically authorizing the creation of community land trusts to provide affordable housing; authorizing a community land trust to acquire land and to transfer ownership of the structures on land it owns to heads of certain qualified households subject to long-term ground leases on the real property and other restrictions; providing certain restrictions on the taxable value of the structures on land owned by a community land trust; exempting from taxation real property owned by a community land trust; requiring the adoption of regulations by the Housing Division of the Department of Business and Industry; authorizing the adoption of regulations by the Nevada Tax Commission; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 507—AN ACT relating to the Department of Cultural Affairs; transferring the Department of Cultural Affairs to the Office of the Secretary of State; transferring the powers and duties of the Director of the Department to the Secretary of State; transferring authority to appoint certain

officers and members of boards, commissions and councils to the Secretary of State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 508—AN ACT relating to housing; prohibiting the Housing Division of the Department of Business and Industry from adopting regulations that restrict or defer the payment of profit and overhead to developers of certain projects under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 509—AN ACT relating to court reporters; revising definitions, educational requirements and provisions governing disciplinary actions with regard to certified court reporters; 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 the Committee on Commerce and Labor:

Assembly Bill No. 510—AN ACT relating to the Public Utilities Commission of Nevada; requiring that the entire Commission must act in certain matters; requiring that the Commission appoint an Executive Director; revising the dates by which certain applications must be filed; indicating that certain provisions of law do not prohibit the Commission from taking certain action; 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 the Committee on Commerce and Labor:

Assembly Bill No. 511—AN ACT relating to industrial insurance; repealing the prohibition against bringing or maintaining a cause of action against an insurer or third-party administrator for certain violations relating to industrial insurance; removing provisions authorizing benefit penalties to be imposed against insurers and third-party administrators; 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 the Committee on Commerce and Labor:

Assembly Bill No. 512—AN ACT relating to real property; providing that a tenant may give a landlord a surety bond, or a combination of a surety bond and other security, instead of a security deposit under certain circumstances; providing that upon termination of a landlord's interest in the property, the successor in interest must accept the tenant's security or surety bond; 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 the Committee on Commerce and Labor:

Assembly Bill No. 513—AN ACT relating to mortgage lending; requiring the licensing of a construction control as an escrow agent or agency; establishing education requirements for an escrow agent or agency; revising provisions relating to the jurisdiction of the Commissioner of Mortgage Lending; revising subpoena powers of the Commissioner; revising provisions relating to holders of a beneficial interest in a loan; eliminating the exemption of consumer finance companies from provisions relating to mortgage brokers, mortgage agents and mortgage bankers; revising provisions for the issuance of a certificate of exemption to a mortgage broker, mortgage agent or mortgage banker; requiring a mortgage broker to make additional disclosures under certain circumstances; revising provisions for the revocation of the license of a mortgage broker or mortgage agent; establishing provisions relating to hard money lenders; 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 the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 514—AN ACT relating to criminal offenders; revising provisions relating to the residential confinement of certain offenders; revising provisions concerning certain credits to be applied to a period of probation or parole; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 515—AN ACT relating to mental health; requiring policies of health insurance and contracts for health care services providing coverage for treatment by licensed marriage and family therapists or clinical social workers to also cover treatment by interns; requiring interest and income earned on money in the Account for Aid for Victims of Domestic

Violence to be credited to the Account; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 516—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 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.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 517—AN ACT relating to administrative regulations; providing, with certain exceptions, that words or terms defined in the Nevada Revised Statutes have the same definitions in the corresponding portions of the Nevada Administrative Code; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 518—AN ACT relating to statutes; making a technical correction to previously enacted provisions regarding taxes for regional transportation projects; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 519—AN ACT relating to state financial administration; creating a statutory commission to review the continuation of state agencies, boards and commissions and tax exemptions, abatements and earmarked revenue sources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 520—AN ACT relating to state financial administration; making various changes relating to state financial administration; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time and ordered to third reading.

Assembly Bill No. 182.

Bill read second time and ordered to third reading.

Assembly Bill No. 295.

Bill read second time and ordered to third reading.

Assembly Bill No. 322.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblymen Kihuen, Horne, and Atkinson.

Roll call on Assembly Bill No. 28:

YEAS—41.

NAYS—None.

EXCUSED—Cobb.

Assembly Bill No. 28 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 219:

YEAS—41.

NAYS—None.

EXCUSED—Cobb.

Assembly Bill No. 219 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

JOURNAL OF THE ASSEMBLY

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 23, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 18.

Assemblyman Bobzien moved the adoption of the resolution.

Remarks by Assemblymen Bobzien, Gansert, and Anderson.

Resolution adopted.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 248 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Ocegüera moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 12:32 p.m.

ASSEMBLY IN SESSION

At 3:37 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

AMENDED NOTICE OF EXEMPTION

March 23, 2009

The Fiscal Analysis Division hereby amends its Notice of Exemption dated March 2, 2009, as follows:

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 7, 18, 55, 69, 92, 134, 141, and 158.

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 2, 4, 8, 9, 19, 33, 40, 45, 64, 81, 95, 99, 106, 107, 111, 112, 115, 117, 121, 123, 127, 138, 139, 140, 146, 148, 150, 152, 160, 162, 165, and 178.

MARK STEVENS
Fiscal Analysis Division

March 23, 2009

The Fiscal Analysis Division hereby amends its Notice of Exemption dated March 16, 2009, as follows:

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of Assembly Bills Nos. 203, 221, 222, 254, 302, 303, 334, and 342.

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 87, 170, 179, 213, 214, 229, 235, 238, 245, 246, 275, 282, 310, 317, 328, 331, 337, 338, and 345.

MARK STEVENS
Fiscal Analysis Division

NOTICE OF EXEMPTION

March 23, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 185, 357, 358, 373, 404 and 446.

MARK STEVENS
Fiscal Analysis Division

March 23, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 260, 263, 290, 354, 355, 401, 409, 426, 432, 436, 437, 450 and 461.

MARK STEVENS
Fiscal Analysis Division

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

Assembly in recess at 3:39 p.m.

ASSEMBLY IN SESSION

At 3:46 p.m.

Madam Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 521—AN ACT relating to occupational diseases; revising provisions governing coverage for cancer as an occupational disease of certain firefighters; expanding the list of substances which are deemed to be known carcinogens that are reasonably associated with specific disabling cancers; removing the provision that coverage for cancer as an occupational disease applies only to a firefighter who has been employed for 5 years or more; requiring certain annual physical examinations of firefighters who qualify for coverage for cancer as an occupational disease; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 522—AN ACT relating to energy; creating the Nevada Energy Commission; transferring the duties of the Office of Energy and the Task Force for Renewable Energy and Energy Conservation to the Nevada Energy Commission; revising certain standards for the conservation of energy in buildings; authorizing the granting of partial abatements of certain property taxes and local sales and use taxes to new facilities that generate electricity from renewable energy; requiring the Public Utilities Commission of Nevada to adopt regulations concerning the removal of financial disincentives for an electric utility to support energy conservation; providing for the issuance of industrial development revenue bonds for renewable energy transmission projects; imposing an excise tax on the generation of electricity from renewable energy; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 523—AN ACT relating to mortgage lending; establishing provisions for the implementation of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008; increasing certain administrative fines; establishing a recovery fund for persons defrauded by mortgage brokers, mortgage agents, residential mortgage loan originators or mortgage bankers; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 524—AN ACT relating to transportation; authorizing the Department of Transportation to establish a demonstration project for managed lanes in Clark County and to enter into one or more public-private partnerships to design, construct, develop, finance, operate and maintain the demonstration project; authorizing the Board of Directors of the Department of Transportation to establish user fees, administrative fines and penalties; requiring the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle of a registered owner who fails to pay a required user fee for the use of such a demonstration project; authorizing the Department of Motor Vehicles to establish certain administrative fees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 525—AN ACT relating to health; creating the Division of Medical Professional Boards of the Department of Health and Human Services; transferring all of the administrative functions of the Board of Medical Examiners, Board of Homeopathic Medical Examiners and State Board of Osteopathic Medicine to the new division; 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 the Committee on Ways and Means:

Assembly Bill No. 526—AN ACT relating to the Lake Tahoe Basin; authorizing the issuance of general obligation bonds to carry out a program for the protection of the Lake Tahoe Basin; extending the period for the issuance of certain bonds to carry out the program; 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. 527—AN ACT relating to unemployment compensation; adopting an alternate base period for determining entitlement to unemployment benefits; temporarily authorizing the payment of unemployment benefits for an extended period and increasing the total extended benefit payable under certain circumstances; requiring the Department of Employment, Training and Rehabilitation to take any additional actions necessary to ensure receipt by the State of Nevada of the benefits available for unemployment compensation pursuant to the American Recovery and Reinvestment Act of 2009; and providing other matters properly relating thereto.

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

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Wells and John Hallet.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Nevada Virtual Academy: Spencer Berger, Brin Hill, Alyssa Hawley, Jacob Hawley, Andrew Ryan Hermansen, Evan Soto-Harrison, Moriah Tague, Elizabeth Caudell, Andrew Caudell, Mackenzie Dalton, Jeremy Dalton, Ryan

Findley, Zackary Schuler, Krista Dennison, Raina Dennison, Danielle Hesnon, Stacy Henson, Alexis Henson, Jeremy Davidson; chaperones Gerald Schuler, Pamela Van Kirk, Thelma Henson, Rita Davidson, Janice Moskowitz, Kathleen Hill, Gina Pistone-Hawley, Brenda Marie Hermansen, Eric Soto-Harrison, Marisa Soto-Harrison, Juanita Caudell, and Paul Dalton; teacher Joy Findley; Jack Greenhalgh.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Mountain View Montessori School: Nia Anders, Brendan Fagen, Kenneth Grimes, Ryan Hodin, Sawako Sentoku, Samantha Adams, Morgan Barnes, Nina Bohlmann, Kienan Herman, Gabrielle Mudd, Trendon Oldridge, Olivia Piccirilli-Platt, Lindsay Reighley, Persiana Saffari, Emily Shields; teacher Olivia Meyer; chaperone Sonia Hodin; James Grindstaff IV, Shawna Grindstaff, James Grindstaff, and Sarah Grindstaff.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Brin Hill.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Findley.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Madrano, Ed Cooper, and Robert Bilbray.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Gadbois.

Assemblyman Ocegüera moved that the Assembly adjourn until Tuesday, March 24, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 3:51 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly