

THE TENTH DAY

CARSON CITY (Wednesday), February 16, 2011

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Grady, who was excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

According to the old nursery rhyme, Wednesday's child is full of snow—I mean woe. Well, Lord, here we are on Wednesday of our second week. Instead of woe, may we be filled with hope. Instead of sorrow, may we daily experience joy. Instead of wrangling, may we have unity. Instead of worry, please strengthen our faith. We are here for the long haul, Lord, and we pray in the Name of the One who is with us all the way.

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

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 15, 2011

THE HONORABLE JOHN OCEGUERA, *Speaker*, Nevada Assembly, 401 South Carson Street,
Carson City, Nevada 89701-4747

DEAR SPEAKER OCEGUERA:

I am writing to you today to express my desire to address both houses of the legislature during the 2011 legislative session. It appears that April 20, 2011, is available and I would enjoy the opportunity to share my views with the legislature on national issues and the challenges that confront us in the Congress. Many of these issues will affect Nevada citizens directly and the perspectives of the members of the Nevada Legislature are paramount to my decision making.

If you could let my staff know the details regarding my visit and address I would appreciate it. I look forward to your response. Please direct any communication to my District Director, Tod Story. He can be reached at 702-220-9823.

Sincerely,
SHELLEY BERKLEY
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 14, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 47.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Atkinson, Ocegüera, Smith, Kirkpatrick, Conklin, Bobzien, Dondero Loop, and Horne:

Assembly Bill No. 151—AN ACT relating to traffic laws; prohibiting a person from manually typing or entering text into a cellular telephone or other handheld wireless communications device and from sending or reading data using any such device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Atkinson, Horne, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Neal, Ocegüera, Pierce, and Smith:

Assembly Bill No. 152—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 the recommendations of the committee on the ballot for the general election to be held in 2012; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Ohrenschall, Diaz, Aizley, Dondero Loop, Flores, Frierson, Munford, and Pierce:

Assembly Bill No. 153—AN ACT relating to arrests; prohibiting certain provisions from being construed to authorize the use of a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license, permit, certificate or registration; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Frierson, Mastroluca, Smith, Benitez-Thompson, Ohrenschall, Bustamante Adams, Diaz, and Segerblom; Senator Leslie:

Assembly Bill No. 154—AN ACT relating to the protection of children; establishing provisions which set forth certain rights of children who are placed in foster homes; requiring notice of those rights to children placed in foster homes; establishing a procedure for children who are placed in foster homes to report alleged violations of those rights; prohibiting retribution against a child who makes such a report; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 155—AN ACT relating to insurance; revising provisions relating to the filing and effective date of certain increases or decreases in rates of insurance; authorizing the Commissioner of Insurance to order certain rates of insurance to be discontinued under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Frierson, Horne, Segerblom, and Flores; Senator Wiener:

Assembly Bill No. 156—AN ACT relating to process servers; requiring that a proof of service filed with a court contain certain information; revising provisions relating to orders of abatement; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hickey, Goicoechea, Hansen, Atkinson, Kirkpatrick, Ellison, Kirner, Livermore, and Ohrenschall:

Assembly Bill No. 157—AN ACT relating to elections; revising the date of the primary election to the second Tuesday in September of each even-numbered year; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hickey, Kirner, Sherwood, Hambrick, Hardy, and Segerblom:

Assembly Bill No. 158—AN ACT relating to the training of drivers; revising requirements that an automobile drivers' education course offered by a public school or educational institution must meet for the school or institution to be exempted from the requirements for licensure as a driving school; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Ohrenschall, Daly, Flores, Frierson, Pierce, and Smith; Senators Breeden and Leslie:

Assembly Bill No. 159—AN ACT relating to public records; requiring the person who has legal custody of a public record, under certain circumstances, to prepare a copy of the public record rather than requiring that the person requesting the copy prepare the copy; requiring copies of public books and records to be made available immediately upon request in certain circumstances; limiting the fee which may be charged for a copy of a public record in the custody of a law library operated by a governmental entity; requiring copies of minutes and audio recordings of public meetings to be made available to the public upon request and at no charge; reducing the fee a county clerk charges for copying records, proceedings or papers; eliminating the fee a county clerk charges for searching records or files in the office of the county clerk; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Aizley, Benitez-Thompson, Flores, Frierson, Hogan, Neal, and Pierce; Senators Kihuen and Leslie:

Assembly Bill No. 160—AN ACT relating to medical facilities; revising provisions governing the form and publication of financial reports of certain

medical facilities; requiring hospitals to include certain information in the financial reports submitted by the hospitals; requiring the Legislative Committee on Health Care to review such information included in the financial reports of hospitals; providing a civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 161—AN ACT relating to crimes; revising provisions governing the crime of trespassing; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Aizley, Ohrenschall, Segerblom, and Pierce:

Assembly Bill No. 162—AN ACT relating to insurance; prohibiting an insurer from using the consumer credit information of a person for certain purposes relating to insurance policies; repealing provisions authorizing an insurer to use consumer credit information as a basis for making certain determinations and taking certain actions regarding insurance policies; providing administrative penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 163—AN ACT relating to public guardians; authorizing public guardians to have access to, inspect and copy certain information relating to a proposed ward under certain circumstances; providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 164—AN ACT relating to county coroners; requiring a board of county commissioners in certain counties to create the office of county coroner; providing that the county coroner is the ex officio public administrator of certain counties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 165—AN ACT relating to state revenue; revising the manner in which to determine the tax imposed on moist snuff; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bustamante Adams, Kirkpatrick, and Hardy; Senator Hardy:

Assembly Bill No. 166—AN ACT relating to municipal obligations; revising provisions authorizing a municipality to call a special election for the purpose of refunding bonds; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bustamante Adams, Bobzien, Goicoechea, Grady, and Hardy; Senators Lee and Manendo:

Assembly Bill No. 167—AN ACT relating to aquatic species; prohibiting a person from introducing certain aquatic species into the waters of this State; providing for the inspection of vessels for aquatic invasive species; requiring vessels to be inspected for the presence of aquatic invasive species before being operated on the waters of this State; requiring decontamination of any vessels where an aquatic invasive species is present; authorizing the impoundment or quarantine of certain vessels; requiring an aquatic invasive species fee to be paid by all operators of vessels; providing a civil penalty; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywomen Dondero Loop and Kirkpatrick:

Assembly Bill No. 168—AN ACT relating to general improvement districts; revising the provisions governing the formation of a general improvement district; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bustamante Adams, Bobzien, Benitez-Thompson, Daly, Diaz, Flores, Munford, and Neal; Senators Denis and Kihuen:

Assembly Bill No. 169—AN ACT relating to charter schools; authorizing the governing body of a charter school to contract with an educational management organization for certain purposes; prescribing limitations on such contracts; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Pierce, Ohrenschall, Anderson, Aizley, Benitez-Thompson, Bustamante Adams, Flores, Kirkpatrick, Mastroluca, Neal, and Smith:

Assembly Bill No. 170—AN ACT relating to public health; requiring each retail establishment in which cigarettes are sold or offered for sale to post a sign regarding the dangers of smoking tobacco during pregnancy; providing a civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Benitez-Thompson, Smith, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Kirkpatrick, Neal, and Pierce; Senators Denis and Kihuen:

Assembly Bill No. 171—AN ACT relating to education; revising provisions governing the membership of a committee to form a charter school and the governing body of a charter school; revising provisions for the process of review of an application to form a charter school; authorizing the governing body of a charter school to set a salary for the attendance of its members at meetings of the governing body; revising the requirements for a charter school to be eligible for an exemption from annual performance audits and to receive certain money for facilities; revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Brooks, Anderson, Benitez-Thompson, Carrillo, Conklin, Daly, Diaz, Horne, Munford, Ohrenschall, and Segerblom:

Assembly Bill No. 172—AN ACT relating to state employees; requiring the Director of the Department of Health and Human Services and the Director of the Office of Energy each to employ two persons to solicit,

procure, manage and coordinate the use of grants and other money for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 173—AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford, Hogan, and Neal:

Assembly Bill No. 174—AN ACT relating to days of observance; requiring the Governor annually to proclaim June 19 to be “Juneteenth Day”; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 175—AN ACT relating to education; revising provisions governing the manner in which a vacancy on the board of trustees of a school district is filled to require that a special election be held to fill the vacancy; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford, Hogan, and Neal:

Assembly Bill No. 176—AN ACT relating to education; requiring the State Board of Education to adopt a program of multicultural education for certain pupils; requiring certain licensed teachers to complete a course in multicultural education upon renewal of their license; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 177—AN ACT relating to education; requiring the board of trustees of each school district to develop a school crossing guard program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 178—AN ACT relating to unarmed combat; providing for the collection of additional fees on each ticket sold for admission to a live professional contest of unarmed combat to fund the payment of medical expenses for retired contestants; requiring the Nevada Athletic Commission to adopt regulations governing such payments; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Conklin, Segerblom, Carrillo, Brooks, Daly, and Neal; Senators Manendo and Parks:

Assembly Bill No. 179—AN ACT relating to state personnel; requiring that certain procedures be followed before taking disciplinary action against a state employee; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Ohrenschall, Pierce, Aizley, Anderson, Atkinson, Bobzien, Conklin, Flores, Frierson, Hardy, Kirkpatrick, Ocegüera, Segerblom, and Smith; Senators Schneider, Parks, Leslie, Breeden, Copening, Roberson, and Settlemeyer:

Assembly Bill No. 180—AN ACT relating to eminent domain; removing the authorization of a person who is not a public agency to exercise the power of eminent domain to acquire real property for mining, smelting and related activities; and providing other matters properly relating thereto.

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

Motion carried.

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

Motion carried.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Horne, Dondero Loop, Anderson, Carrillo, Aizley, Brooks, Goicoechea, Hansen, Hogan, Mastroluca, Munford, Neal, Segerblom, and Smith; Senators Breeden and Lee:

Assembly Bill No. 181—AN ACT relating to sexually dangerous persons; providing for the involuntary civil commitment of sexually dangerous persons; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt certain regulations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 182—AN ACT relating to inland ports; authorizing the creation of inland ports and inland port authorities under certain circumstances; requiring the Commission on Economic Development to develop a State Plan for Inland Ports; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Smith, Conklin, Ocegüera, Horne, Bobzien, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Diaz, Dondero Loop, Flores, Frierson, Hogan, Kirkpatrick, Mastroluca, Neal, Ohrenschall, and Segerblom:

Assembly Bill No. 183—AN ACT relating to school districts; revising the provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 47.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblymen Brooks and Conklin.

Roll call on Assembly Bill No. 7:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 7 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblymen Diaz, Kirkpatrick, and Horne.

Roll call on Assembly Bill No. 11:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 11 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblymen Frierson.

Roll call on Assembly Bill No. 28:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 28 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Bush.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Atkin.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from White Pine High School: Janael Gamberg, Marion J. Hanson, Ted Heggie, Megan Hermansen, Keith Hill,

Randy Homan, Tyler Hughes, Brittany Johnson, Jerdon Long, Michael Romero, Shawn Roundy, and Devin Ruggiero.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jeri Lynn Benell, Kyle Reber, Michael Leavitt, Kristophor Reber, Kierra Reber, Alec Moriarty, Catelyn Sanders, Jason Thatcher, Kayla Barkdull, Thomas Jenkins, Matti Birrer, Britnee Jensen, and Grace LeVal.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mimi Premo.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Koester and Justin Harrison.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, February 17, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly