

**THE THIRTY-EIGHTH DAY**

---

CARSON CITY (Wednesday), March 16, 2005

Assembly called to order at 11:14 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman McCleary, who was excused.

Prayer by the Chaplain, Donald Thayer.

O my God, O my God. Unite the hearts of Thy servants and reveal to them Thy great purpose. May they follow Thy commandments and abide in Thy law. Help them, O God, in their endeavor, and grant them strength to serve Thee. O God, leave them not to themselves, but guide their steps by the light of Thy knowledge, and cheer their hearts by Thy love. Verily, Thou art their helper and their Lord.

BAHA'U'LLAH.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley 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 Judiciary, to which was referred Assembly Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 29; Senate Bills Nos. 132, 133, 134.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Smith, Leslie, Parnell, Giunchigliani, Anderson, Atkinson, Buckley, Conklin, Denis, Gansert, Gerhardt, Hardy, Hogan, Holcomb, Kirkpatrick, Manendo, McClain, McCleary, Ocegüera, Pierce, and Weber:

Assembly Bill No. 209—AN ACT relating to education; making an appropriation to the Department of Education for distribution to school districts that establish pilot programs to teach the English language to prekindergarten children who have limited proficiency in the English language; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hogan, Giunchigliani, Ocegüera, Ohrenschall, Parks, Arberry, Atkinson, Buckley, Conklin, Denis, Gerhardt, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Parnell, Perkins, and Smith; Senators Titus and Carlton:

Assembly Bill No. 210—AN ACT relating to public works; requiring a contractor and subcontractor on certain public works in larger counties to submit a monthly report concerning the demographics of certain employees to the public body that awarded the contract; requiring that a committee be established for certain public works; requiring such a committee to meet monthly to discuss the monthly report; requiring that advertisements for bids for certain public works include a provision that the contractor and subcontractor will be required to comply with such requirements; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 211—AN ACT relating to public health; providing for the regulation of nontransplant anatomic banks; requiring licensure for the maintenance or operation of such a bank; authorizing the Health Division to enjoin any person from operating or maintaining a nontransplant anatomic bank under certain circumstances; authorizing certain inspections of nontransplant anatomic banks; requiring the Legislative Committee on Health Care to review certain regulations concerning nontransplant anatomic banks; requiring the Central Repository for Nevada Records of Criminal History to assist the Health Division in investigating criminal backgrounds; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Weber, Koivisto, Ohrenschall, Allen, Buckley, Gansert, Gerhardt, Giunchigliani, Hardy, Hettrick, Hogan, Kirkpatrick, Leslie, Mabey, McClain, Parnell, Pierce, Sherer, Sibley, and Smith; Senators Cegavske, Titus, and Heck:

Assembly Bill No. 212—AN ACT relating to cervical cancer; creating the Task Force for the Elimination of Cervical Cancer and providing its duties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 213—AN ACT relating to peace officers; requiring a peace officer to reimburse his employer for the cost of training at a law enforcement training academy under certain circumstances; authorizing a state or local governmental employer of a peace officer to recover the cost of training from the paycheck of an employee under certain circumstances; requiring the Personnel Commission of the Department of Personnel to adopt certain regulations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 214—AN ACT relating to actions for dental malpractice; establishing screening panels to review claims against dentists; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Sibley, Seale, Buckley, Kirkpatrick, Ohrenschall, Allen, Anderson, Atkinson, Carpenter, Christensen, Conklin, Gansert, Goicoechea, Grady, Hardy, Hettrick, Mabey, Manendo, Marvel, Mortenson, Munford, Ocegüera, and Sherer; Senators Amodei and Heck:

Assembly Bill No. 215—AN ACT relating to real property; providing an exception to the requirement that a seller complete and serve a disclosure form on a purchaser of residential property for certain actions for foreclosure; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 132.

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

Motion carried.

Senate Bill No. 133.

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

Motion carried.

Senate Bill No. 134.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 96.

Bill read second time and ordered to third reading.

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

Assembly Bill No. 135.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblyman Carpenter.

Assemblyman Carpenter requested that his remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. Senate Bill No. 38 relates to the distribution of local government taxes. The measure changes the distribution of the excess portion of the consolidated taxes within a county that in the proceeding five fiscal years has either a negative average percentage change in population or an average assessed valuation of taxable property attributable to the net proceeds of mines greater than \$50 million. In those eligible counties, the bill reinstates the one-plus formula for distributing the excess portion in the consolidated taxes. The one-plus formula uses a percentage of population growth, plus a factor of one, to distribute the excess formula. The bill is effective on passage and approval. The provisions of the bill apply retroactively to January 1, 2005, but do not affect previous distributions to local governments. Thank you.

Roll call on Senate Bill No. 38:

YEAS—41.

NAYS—None.

EXCUSED—McCleary.

Senate Bill No. 38 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Smith moved that the action whereby Assembly Bill No. 209 was referred to the Committee on Education be rescinded.

Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 209 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 49.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Paul Hardy Jr., Dan Waite, and Robert Eglet.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Braden W. Benecke, Gerardo Bogarin, Brian D. Bruce, Andrew Carter, Charlie T. Cowen, Jennifer Diaz, Paneka T. Douglas, Andrew P. English, Cynthia Hernandez Ayala, Emily A. Kinsey-Shaw, Leann A. Leverett, Sierra M. Little, Alfonso Martinez, Austin R. McNinch, Tyler Neilson, Oscar J. Perez Garcia, Ashley J. Rea, Yarlani Rodriguez, Perry D. Senteney, Crystal R. Simon, Coleman M. Smith, Michael D. Sohn, Vaise T. Sparks, Amauri J. Watkins, Kylee I. West, Bruce Aguirre-Monroy, Xochitl E. Arauz-Rosiles, Mary Joy Beltejar, Suzanna E. Bledsoe, Lee J. Bluehorse, Travis L. Brooks, Andres Chavez-Rodriguez, Keri A. Corley, Neftali G. Dominguez, Hannah M. Franey, William F. Greene, Darnell M. Imus Rodriguez, Cami K. Johnson, Joshua I. Madu, Lucero A. Martinez, Bryce T. Mathews Amos, Liliam Mendez-Chinchilla, Kyle J. Podratz, Stephany M. Portillo, Kimberly Saenz, Maria Isabel Subillaga, Sanisi L. Talanoa, Dustin M. Yuhas, Stacy L. Zeigler, Daniel J. Ahumada, Joann J. Brooks, Brittnee L. Carr-Piccioni, Kimberly J. Chavez, Austin J. Davidson, Sophie L. Earnest, Ally M. Edmonds, Everett L. Fletcher, Royce A. Flores, Anthony R. Garcia, Zachary Guettler, Codi C. Lair, Kenneth S. Lester, Adriel M. Luippold, Gregory J. Luippold, Elizabeth Melendrez, David J. Nickerson, Hector P. Ramirez, Jennifer Rodriguez, Zachary T. Shockley, Elora D. Smith, Troy A. Smith, Kyle J. Spingola, Austtyn M. Thomas, and Reanne G. Tuamoheloa.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Claudette Crooks, Mary Jane Flies, and Donna Shewey.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 17, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE  
*Chief Clerk of the Assembly*