

**THE THIRTY-NINTH DAY**

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CARSON CITY (Thursday), March 17, 2005

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hogan and Pierce, who were excused.

Prayer by the Chaplain, Paul Bennings.

The earth is one native land, one home, and all mankind are the children of one Father. God has created them, and they are the recipients of His compassion. Therefore, if anyone offends another, he offends God. It is the wish of our Heavenly Father that every heart should rejoice and be filled with happiness, that we should live together in felicity and joy. The obstacle to human happiness is racial or religious prejudice, the competitive struggle for existence and inhumanity toward each other.

'ABDUL'L'BAHA.

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 Concurrent Committee on Education, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 141, 164; Senate Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 79, 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 Ways and Means, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 16, 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. 61; Senate Bills Nos. 99, 138.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 18.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Anderson, Marvel, Smith, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrensfall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Wiener:

Assembly Concurrent Resolution No. 7—Commemorating the 100th anniversary of the City of Sparks.

WHEREAS, The members of the 73rd Session of the Nevada Legislature wish to congratulate the City of Sparks on its 100th anniversary; and

WHEREAS, As Nevada's fifth largest city, Sparks now has a population of approximately 78,500 residents; and

WHEREAS, Sparks is located in the Truckee Meadows between the Carson and Virginia Mountain Ranges; and

WHEREAS, In 1902, there was nothing 4 miles east of Reno except swampland and ranches, and like many cities in Northern Nevada, the history of the City of Sparks is closely related to the development of railroad transportation, and when Southern Pacific Railway Company, the new owner of the main line across Northern Nevada, shortened the route, the new route bypassed Wadsworth, which had accommodated the roundhouse and maintenance shops for 40 years; and

WHEREAS, Southern Pacific startled its Wadsworth employees by offering to pack up every house in the town and ship it to the new location free of charge, and in the summer of 1903, 67 names were drawn from one hat and 67 lot numbers from another, giving to each of the employees clear deed to a 50 by 140 foot lot near the new roundhouse at \$1 a lot; and

WHEREAS, The City had been called East Reno, New Wadsworth and Harriman for a while, but that did not suit the independent spirit of the new residents, and in 1904, the City was officially named the City of Sparks after then Nevada Governor "Honest John" Sparks, who was instrumental in its development, and in 1905, Sparks became an incorporated city, with Governor Sparks hosting a barbecue for the residents in celebration of the honor; and

WHEREAS, Sparks has become widely known as the premier special events venue for Northern Nevada in focusing on events that include the entire family, the heart of the city being Victorian Square with its old-fashioned ambiance and charm; and

WHEREAS, Serving as the official kick-off to the Sparks Centennial Celebration, the 2004 Sparks Hometowne Christmas gala, an annual event which has become Northern Nevada's largest Christmas celebration, highlighted "A Centennial Christmas, Celebrating 100 Years of Sparks, 1905-2005," where families get into the spirit of the holiday season with delicious refreshments, booths with arts and crafts perfect for gift giving, fun activities for children, the

Hometowne Christmas Parade with a special appearance by Santa Claus and a tree-lighting ceremony complete with free hot cocoa, cake, cookies and hot roasted chestnuts; and

WHEREAS, Sparks is well known for its outstanding parks and recreation system with numerous neighborhood parks, regional sports facilities and a large number of fun recreation programs designed to appeal to everyone from preschoolers to senior citizens, and Sparks Marina Park, the newest addition, is 80 acres of water surrounded by a lighted walking trail where you will find people of all ages walking and talking, and it includes such amenities as two swimming beaches, two sand volleyball courts, numerous picnic tables and gazebos, a bandstand for summer concerts, and facilities for boating, fishing and scuba diving, and while the families are enjoying all this outdoor activity, they have a breathtaking view of the nearby mountains; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature invite all Nevadans to join with the residents of this fine city in celebrating their 100th anniversary; and be it further

RESOLVED, That the City of Sparks is hereby congratulated for focusing on the many events that bring family and friends together and for providing an outstanding quality of life for its residents; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Mayor and City Council of the City of Sparks.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Marvel, Angle, and Smith.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

#### INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Ohrenschall, Manendo, Buckley, McClain, Claborn, Denis, Kirkpatrick, Koivisto, Munford, Ocegurea, Parks, and Pierce:

Assembly Bill No. 216—AN ACT relating to manufactured home parks; requiring landlords to reduce the rent for certain older persons who are tenants of manufactured home parks; establishing the eligibility and procedural requirements which must be satisfied before such a person receives a reduction in rent; establishing the procedures by which a landlord may object to a reduction in rent; providing remedies and administrative civil penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Kirkpatrick, Anderson, Atkinson, Carpenter, Claborn, Denis, Koivisto, Manendo, McClain, Munford, Parks, Pierce, and Sibley:

Assembly Bill No. 217—AN ACT relating to education; authorizing the boards of trustees of school districts to provide instruction in self-defense for certain pupils; providing that certain pupils who complete a course of self-defense must receive credit in physical education; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Atkinson, Carpenter, Claborn, Denis, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Ocegüera, and Parks:

Assembly Bill No. 218—AN ACT relating to public highways; directing the Department of Transportation to conduct a study of the need and feasibility of constructing an arterial road and access to that road between Interstate Highway No. 95 and North Hollywood Boulevard in Las Vegas, Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, McClain, Anderson, Manendo, Parks, Allen, Atkinson, Carpenter, Claborn, Denis, Koivisto, Munford, Ocegüera, Pierce, and Sibley:

Assembly Bill No. 219—AN ACT relating to domestic violence; creating the Nevada Council for the Prevention of Domestic Violence; providing for its membership and duties; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:26 a.m.

#### ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Ohrenschall moved that the action whereby Assembly Bill No. 218 was referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

Assemblywoman Ohrenschall moved that Assembly Bill No. 218 be referred to the Committee on Transportation.

Motion carried.

## INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Hardy:

Assembly Bill No. 220—AN ACT relating to fuels; revising provisions relating to alternative fuels; and providing other matters properly relating thereto. Assemblyman Hardy moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ocegüera, Manendo, Leslie, Parks, Anderson, Angle, Buckley, Christensen, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Munford, and Pierce:

Assembly Bill No. 221—AN ACT relating to intoxicating liquor; requiring that certain persons who sell, handle or serve alcoholic beverages successfully complete a program of training relating to alcoholic beverages; authorizing the Department of Taxation to impose administrative fines upon the owners or operators of certain establishments for certain violations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Parnell, Giunchigliani, Smith, Manendo, Allen, Anderson, Angle, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Horsford, Care, Hardy, Townsend, Amodei, Beers, Carlton, Cegavske, Coffin, Heck, Lee, McGinness, Nolan, Schneider, Tiffany, Titus, Washington, and Wiener:

Assembly Bill No. 222—AN ACT relating to education; providing for the periodic review of school districts to evaluate whether the school districts are carrying out certain financial management principles; requiring the Legislative Auditor to issue a request for proposals for a qualified independent consultant to conduct the reviews; requiring the State Board of Education to select a consultant based upon the recommendations of the Legislative Auditor; requiring the establishment of an oversight committee to oversee the progress of a consultant in conducting the review of a school district; requiring the board of trustees of a school district that is not in compliance with the financial management principles to vote on whether to adopt a plan for corrective action recommended by a consultant; providing that certain school districts may receive an exemption from a review under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gansert, Hardy, Allen, Atkinson, Buckley, Carpenter, Christensen, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Holcomb, Kirkpatrick, Koivisto, Mabey, Marvel, McClain, Mortenson, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Assembly Bill No. 223—AN ACT relating to education; revising the eligibility requirements for millennium scholarships; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle, Carpenter, Holcomb, Mortenson, and Munford; Senators Beers, Cegavske, and Washington:

Assembly Bill No. 224—AN ACT relating to public health; prohibiting a person from administering or providing an immunization which contains more than a specified amount of mercury to certain persons; providing exceptions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle, Christensen, Gansert, Holcomb, Mabey, Mortenson, and Munford; Senators Tiffany and Washington:

Assembly Bill No. 225—AN ACT relating to motor vehicles; providing for the biennial inspection and testing of emissions of certain motor vehicles; requiring the State Environmental Commission to provide a waiver from emissions testing for certain motor vehicles; revising provisions regarding certain fleets to authorize the use of certain additives for motor vehicle fuel; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Claborn, McCleary, Goicoechea, Grady, Hogan, Koivisto, Manendo, McClain, Munford, and Sherer:

Assembly Bill No. 226—AN ACT relating to wildlife; limiting the period during which a person may serve as a member of the Board of Wildlife Commissioners; providing that a portion of certain fees deposited in the Wildlife Account may only be used for the management and control of the natural predators of mule deer; 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.

Senate Bill No. 18.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 99.

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

Motion carried.

Senate Bill No. 138.

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

Motion carried.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 204, just reported out of committee, be placed on the Second Reading File.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 82.

Bill read second time and ordered to third reading.

Assembly Bill No. 88.

Bill read second time and ordered to third reading.

Assembly Bill No. 204.

Bill read second time.

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

Amendment No. 66.

Amend section 1, page 1, line 3, by deleting "\$15,092,900" and inserting "\$13,080,921".

Amend section 1, page 1, by deleting lines 8, 9 and 10.

Amend section 1, page 1, line 11, by deleting "2." and inserting "1."

Amend section 1, page 2, line 2, by deleting "3." and inserting "2."

Amend section 1, page 2, line 7, by deleting "4." and inserting "3."

Amend sec. 5, page 2, line 42, by deleting "\$8,000,000" and inserting "\$1,400,000".

Amend sec. 5, page 3, by deleting lines 4, 5 and 6.

Amend sec. 5, page 3, line 7, by deleting "2."

Amend sec. 6, page 3, line 12, by deleting "appropriations" and inserting "appropriation".

Amend sec. 12, page 4, line 9, by deleting "\$15,092,900" and inserting "\$13,080,921".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.  
 Amendment adopted.  
 Bill ordered reprinted, engrossed, and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 96.  
 Bill read third time.  
 Remarks by Assemblyman Seale.  
 Roll call on Assembly Bill No. 96:  
 YEAS—40.  
 NAYS—None.  
 EXCUSED—Hogan, Pierce—2.  
 Assembly Bill No. 96 having received a constitutional majority,  
 Mr. Speaker declared it passed.  
 Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 97 be taken from the  
 General File and placed on the Chief Clerk's desk.  
 Remarks by Assemblyman Arberry.  
 Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 107.  
 Bill read third time.  
 Remarks by Assemblyman Denis.  
 Roll call on Assembly Bill No. 107:  
 YEAS—40.  
 NAYS—None.  
 EXCUSED—Hogan, Pierce—2.  
 Assembly Bill No. 107 having received a constitutional majority,  
 Mr. Speaker declared it passed.  
 Bill ordered transmitted to the Senate.

Assembly Bill No. 135.  
 Bill read third time.  
 Remarks by Assemblywoman Buckley.  
 Roll call on Assembly Bill No. 135:  
 YEAS—39.  
 NAYS—Angle.  
 EXCUSED—Hogan, Pierce—2.  
 Assembly Bill No. 135 having received a two-thirds majority, Mr. Speaker  
 declared it passed.  
 Bill ordered transmitted to the Senate.

Assembly Bill No. 137.  
 Bill read third time.  
 Remarks by Assemblyman Anderson.



Roll call on Assembly Bill No. 137:

YEAS—40.

NAYS—None.

EXCUSED—Hogan, Pierce—2.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 28 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Parks.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 29.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Geno Martini and John Mayer.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan C. Reynolds.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Jacque Pellam.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ronald Schmitt.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 21, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

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