

**THE FIFTY-SEVENTH DAY**

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CARSON CITY (Monday), April 4, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Stan Pesis.

Lord, our God, You have blessed this nation and this state with a variety of people, peoples who have shared their skills and gifts and passions with each other. Too often we have reacted quickly in fear of what is different. Too slowly have we appreciated the gifts we bring to one another. Teach us to see in one another the blessings others bring to our community.

AMEN.

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 Government Affairs, to which was referred Assembly Bill No. 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 470, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 169, 180, 189, 270, 271, 278, 334.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 209.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS, AND NOTICES

##### NOTICE OF EXEMPTION

April 4, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 70, 211, 216, 222, 224, 226, 230, 249, 265, 267, 286, 289, 291, 303, 307, 343, and 525.

MARK STEVENS

*Fiscal Analysis Division*

April 4, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 367, 438, 457, 458, 459, 460, 461, 462, 463, 481, 514, 520, 548, and 549.

MARK STEVENS

*Fiscal Analysis Division*

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

##### INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 169.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 180.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 189.

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

Motion carried.

Senate Bill No. 209.

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

Motion carried.

Senate Bill No. 270.

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

Motion carried.

Senate Bill No. 271.

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

Motion carried.

Senate Bill No. 278.

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

Motion carried.

Senate Bill No. 334.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 43.

Amend section 1, pages 1 and 2, by deleting lines 2 through 5 on page 1 and line 1 on page 2, and inserting:

“349.986 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada ~~in the face amount of not more than \$90,000,000~~ to support the purposes of the program ~~[.]~~ established by NRS 349.981. The aggregate principal amount of such bonds outstanding at any one time may not exceed \$125,000,000.

2. The net proceeds from the sale of the bonds must be deposited in the Fund.

3. The bonds must be redeemed through the”.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to state obligations; revising the provisions governing the issuance of general obligation bonds of the State of Nevada to support the program to provide grants for”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing issuance of general obligation bonds of State of Nevada to support program to provide grants for water conservation and capital improvements to certain water systems. (BDR 30-753)”.

Assemblyman Grady moved the adoption of the amendment.

Remarks by Assemblyman Grady.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 20 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 46.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend sec. 4, page 5, line 32, by deleting “teachers” and inserting: “all licensed employees”.

Amend sec. 4, page 5, lines 34 and 35, by deleting “\$5,000,000” and inserting “\$5,400,000”.

Amend sec. 4, page 5, by deleting lines 36 through 39 and inserting:

“2. A licensed employee who is newly hired may not receive a signing bonus until he has worked for a school district in this State for at least 30 days. A licensed employee may not receive more than one signing bonus pursuant to this act. A licensed employee who is employed by a school district in this State”.

Amend sec. 4, page 5, line 42, by deleting “section.” and inserting “act.”.

Amend sec. 4, page 5, line 44, by deleting: “newly hired teachers” and inserting: “licensed employees who are newly hired”.

Amend sec. 4, page 6, line 1, by deleting “teachers” and inserting “licensed employees”.

Amend sec. 4, page 6, line 2, by deleting “teach” and inserting “work”.

Amend sec. 4, page 6, line 4, by deleting “section.” and inserting “act.”.

Amend sec. 4, page 6, line 7, by deleting “teachers” and inserting “licensed employees”.

Amend sec. 4, page 6, line 9, by deleting: “newly hired teachers” and inserting: “licensed employees who are newly hired”.

Amend sec. 4, page 6, lines 15 and 16, by deleting: “newly hired teachers” and inserting: “licensed employees who are newly hired”.

Amend sec. 4, page 6, line 17, by deleting “teacher” and inserting “licensed employee”.

Amend sec. 4, page 6, line 19, by deleting “teachers” and inserting “licensed employees”.

Amend the bill as a whole by deleting sections 5 through 7 and renumbering sec. 8 as sec. 2.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the Department of Education to transfer money from the State Distributive School Account to provide signing bonuses to licensed employees who are newly hired by school districts; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Department of Education to transfer money from State Distributive School Account to provide signing bonuses to newly hired licensed employees of school districts. (BDR 34-477)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 142.

Amend section 1, page 3, by deleting lines 10 through 15 and inserting: “plugged.

8. *The State Engineer may grant the owner of a well a waiver of the requirement that the well be plugged under circumstances other than those set forth in subsection 7. The State Engineer shall adopt regulations that provide a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well pursuant to this subsection.”.*

Amend sec. 2, page 3, by deleting lines 34 through 36 and inserting: “*continuing education for well drillers.”.*

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill to read as follows:

“AN ACT relating to wells; providing a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well; requiring the State Engineer to adopt regulations relating to

continuing education for well drillers; and providing other matters properly relating thereto.”.

Assemblyman Goicoechea moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 80 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 76.

Amend section 1, page 3, line 6, after “State” by inserting:

“, *an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services*”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 108 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 84.

Amend sec. 3, page 4, line 25, after “*subdivision.*” by inserting:

“*If the Commission approves the final map for the subdivision, the Commission shall, for the purposes of NRS 278.377, submit written verification of its approval to the Health Division of the Department of Human Resources and the Division of Water Resources of the State Department of Conservation and Natural Resources.*”.

Assemblyman Christensen moved the adoption of the amendment.

Remarks by Assemblyman Christensen.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 83.

Amend section 1, page 2, line 6, by deleting “wastewater, and” and inserting “wastewater, or”.

Amend sec. 6, page 3, line 21, by deleting “wastewater, and” and inserting “wastewater, or”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 47.

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 487.220 is hereby amended to read as follows:

487.220 1. Every person who abandons a vehicle is responsible for the cost of removal and disposition of ~~such~~ the vehicle.

2. An abandoned vehicle is presumed to have been abandoned by the registered owner thereof. The registered owner may ~~not~~ rebut this presumption by showing that he transferred his interest in the abandoned vehicle ~~[unless he complied with the provisions set forth in NRS 482.399 to 482.420, inclusive.]~~ as indicated by a bill of sale for the vehicle that is signed by the registered owner.”.

Amend the title of the bill to read as follows:

“AN ACT relating to abandoned vehicles; revising the circumstances under which the registered owner of an abandoned vehicle may rebut the presumption that he abandoned the vehicle; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain presumptions relating to abandoned vehicles. (BDR 43-967)”.

Assemblyman Denis moved the adoption of the amendment.

Remarks by Assemblyman Denis.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Senate Bill No. 73.  
Bill read second time and ordered to third reading.

Senate Bill No. 85.  
Bill read second time and ordered to third reading.

Senate Bill No. 132.  
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 16.  
Bill read third time.  
Remarks by Assemblyman Hardy.  
Roll call on Assembly Bill No. 16:  
YEAS—42.  
NAYS—None.

Assembly Bill No. 16 having received a constitutional majority,  
Mr. Speaker declared it passed.  
Bill ordered transmitted to the Senate.

Assembly Bill No. 39  
Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 39 be taken from the  
General File and placed on the Chief Clerk's desk.  
Remarks by Assemblyman Parks.  
Motion carried.

Assemblyman Parks moved that Assembly Bill No. 235 be taken from the  
General File and placed on the Chief Clerk's desk.  
Remarks by Assemblyman Parks.  
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 178.  
Bill read third time.  
Remarks by Assemblyman Ocegueda.  
Roll call on Assembly Bill No. 178:  
YEAS—42.  
NAYS—None.

Assembly Bill No. 178 having received a constitutional majority,  
Mr. Speaker declared it passed.  
Bill ordered transmitted to the Senate.

Assembly Bill No. 205.  
Bill read third time.  
Remarks by Assemblyman Manendo.



Roll call on Assembly Bill No. 205:

YEAS—42.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymen Denis and Buckley.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 243:

YEAS—42.

NAYS—None.

Assembly Bill No. 243 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 327:

YEAS—42.

NAYS—None.

Assembly Bill No. 327 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 404 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 97 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Remarks by Assemblyman Arberry.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblymen Leslie, Conklin, Gerhardt, Hettrick, Sibley, Denis, Christensen, Ocegüera, Anderson, Claborn, and Atkinson.

Potential conflict of interest declared by Assemblymen Ocegüera, Claborn, Hettrick, Conklin, Christensen, Atkinson, Anderson, Gerhardt, Denis, and Sibley.

Roll call on Assembly Bill No. 404:

YEAS—41.

NAYS—None.

NOT VOTING—Claborn.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 97:

YEAS—42.

NAYS—None.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## REMARKS FROM THE FLOOR

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

Thank you, Mr. Speaker. I have rather a large group introduction to do today. First of all, I want to introduce the individual guest sitting at my desk, Jim Bennett, the former chief of the clans here for the Society for Scottish Clans. He is also the gentleman who, when I did my student teaching, had to put up with me. I have a very careful and close kinship with him. He also taught across the hall from me for many years. Secondly, coming up on April 6 is Tartan Day. The current chief of the Nevada Society for Scottish Clans, Chester Buchanan, is sitting with Ms. Angle. Other dignitaries here from the Scottish American Military Society are Kevin Welsh, who some of you may recognize, Bill Glenn, and Chuck McCloud.

Tartan Day – April 6, Local, National, and International, By Chester Buchanan:

Tartan Day was conceived by the U.S. Senate in 1998 in recognition of the valuable contributions of Scots and Americans of Scottish descent to the foundation and development of the United States. The date was selected to commemorate April 6, 1320, when Scottish nobles and barons signed the *Declaration of Arbroath*, declaring to Pope John XXII that Scotland was a sovereign nation and not under the rule of England. Also, it was the first document to put forth the concept of a “contractual monarchy,” which meant that they would force Robert the Bruce out if he attempted to sell

Scotland to England. The declaration, like our *Declaration of Independence*, is seen by many as the founding document of the Scottish nation. The following extract from the declaration (translation from 14<sup>th</sup> century Latin) that is often quoted has great appeal not only to Americans, but to people throughout the world. "It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom – for that alone, which no honest man gives up but with life itself."

I would ask you to welcome the members of the Society for Scottish Clans in Nevada, and remember their Tartan Day, April 6.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 107 and 489.

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 Jim Bennett.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to William A. Glenn, Chester Buchanan, Arvilla Agerton, Kevin Welsh, and Patricia Puchert.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck MacLeod.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Howe, James Sherwood, Kristena Yanis, Sarai Miranda, Jonathan Clemmons, Yvonne Villa, Felicia Hulse, Champagnee Travis, Kristen Darnielle, Matthew Hernandez, Travis Leonard, Jonathan Arnold, Matt Pitts, Donald Hines, Devontay Thomas, Daniel Wheeler, Jeff Pierce, Juan Ramirez, Ryan Hite, Kenneth Humphrey, Jena Brown, and Larry Demming.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 6, 2005, at 11:00 a.m. and do so in honor of Douglas County Sheriff Deputy Robert Duffy.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

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