

THE TENTH DAY

CARSON CITY (Wednesday), February 16, 2005

Senate called to order at 11:02 a.m.

President pro Tempore Amodei presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Dr. Paul Deterding.

Almighty God, heavenly Father, You send forth Your spirit and renew the face of the earth. By the power of the Holy Spirit, You call us to eternal salvation through the gospel of Jesus Christ, crucified and risen again. In Your creative power and wisdom, You summon each of us to our various vocations in life and call us to carry out the duties of those vocations to the best of our ability. This day, we pray for those whose vocations include their service in the Nevada State Senate. Grant that each one may fulfill his or her duties in conformity with the standards that have been established, that what is accomplished by them individually and collectively might serve to further justice, security, order and peace for this life on behalf of our State and its citizens. We ask for all these things according to Your will, praying in the Name of Jesus Christ, Your Son, our Lord, who lives and reigns with You and the same Spirit, one God, now and forever.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

Mr. President pro Tempore:

Your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 11 of the 72nd Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

COMMUNICATIONS
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON D.C. 20515

February 9, 2005

THE HONORABLE WILLIAM RAGGIO, *Senate Majority Leader*, State of Nevada Senate,

Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR RAGGIO:

I am writing to you, today, to express my desire to address both Houses of the Legislature during the 2005 Legislative Session. It appears that March 24, 2005, 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 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.

I would appreciate it if you could contact my District Director, Tod Story, to confirm the date and time for my address to the Legislature. You can reach Tod at 702-220-9823.

Thank you, and I look forward to hearing from you.

Sincerely,
SHELLEY BERKLEY
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Rhodes:

Senate Joint Resolution No. 3—Proposing to amend the Nevada Constitution to require that an initiative petition be proposed by a number of registered voters from each assembly district in the State equal to a certain percentage of the population of each assembly district in the State.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, 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 assembly district in the state* equal to ~~[10]~~ 4 percent or more of the ~~[number of voters who voted at the last preceding general election in not less than 75 percent of the counties]~~ *population of each assembly district 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.]~~, as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the governor pursuant to 13 U.S.C. § 141(e).

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.

Senator Rhoads moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Raggio moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press

table and allowed the use of appropriate media facilities: COVER EDGE TELEVISION NEWS SERVICES: Jeff Critelli, Kevin Ross, Richard Travis; COX COMMUNICATIONS: Steve Schorr; KLVS-TV: Mitch Fox; NEVADA APPEAL: Peter Thompson Clime; NSCTA–CNN HEADLINE NEWS: Robert Gastonguay and RENO GAZETTE-JOURNAL: Ray Hagar.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Senate Bill No. 61—AN ACT relating to insurance; exempting employees of certain motor vehicle dealers from having to be licensed to solicit and sell credit insurance under certain circumstances; and providing other matters properly relating thereto.

Senator Townsend moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Rhoads:

Senate Bill No. 62—AN ACT relating to water; providing that approvals of certain applications by the State Engineer and certain permits and certificates issued by the State Engineer are void under certain circumstances; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Rhoads:

Senate Bill No. 63—AN ACT relating to cattle; requiring each owner of cattle in this State to design, adopt and record a brand or a brand and mark; requiring the owner of the cattle to ensure that the cattle are branded or branded and marked using the recorded brand or brand and mark; requiring the brand to be applied with a hot iron to each of those cattle; providing penalties; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Rhoads:

Senate Bill No. 64—AN ACT relating to distribution of estates; clarifying that the owner of an interest in real property may convey his interest to a grantee in a deed which becomes effective upon the death of the owner as the sole separate property of the grantee without the necessity of the filing of a quitclaim deed or disclaimer by the spouse of the grantee; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Rhoads:

Senate Bill No. 65—AN ACT relating to juries; revising the provisions governing the compensation of jurors; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Hardy, Carlton, Amodei, Heck, McGinness and Assemblyman Hardy:

Senate Bill No. 66—AN ACT relating to industrial insurance; providing that an injured employee who lives in this State may receive vocational rehabilitation services outside of this State under certain circumstances; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 67—AN ACT relating to general improvement districts; authorizing a general improvement district to file a petition in bankruptcy and be a debtor pursuant to the Federal Bankruptcy Act; clarifying that a general improvement district is a municipality; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Titus:

Senate Bill No. 68—AN ACT relating to medical facilities; changing the term "facility for refractive laser surgery" to "facility for refractive surgery" to require licensure of all facilities which provide surgical treatment for refractive errors of the eye; and providing other matters properly relating thereto.

Senator Titus moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 69—AN ACT relating to higher education; providing a legislative declaration regarding the importance of higher education and the need to develop a public agenda concerning higher education; creating the Committee to Advance Higher Education in Nevada and providing for its organization, powers and duties; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 70—AN ACT relating to public lands; clarifying the authority of the Legislative Committee on Public Lands to review and comment on certain matters relating to public lands; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 71—AN ACT relating to the Public Employees' Benefits Program; eliminating the requirement that the annual salaries of the executive staff of the Public Employees' Benefits Program be approved by the Interim Retirement and Benefits Committee; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington and Wiener:

Senate Bill No. 72—AN ACT relating to senior citizens; increasing the assessed value of the home of a senior citizen for determining eligibility for a refund of a certain amount of property taxes paid by that senior citizen; and providing other matters properly relating thereto.

Senator Titus moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Nolan:

Senate Bill No. 73—AN ACT relating to hazardous materials; revising provisions relating to certain fees charged and collected by the State Emergency Response Commission concerning the storage or transportation of extremely hazardous waste and the reporting of toxic chemical releases; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 74—AN ACT relating to insurance; prohibiting persons who appoint, employ or contract with producers of insurance from requiring

certain noncompetition agreements; prohibiting such persons from conditioning the receipt of certain property on noncompetition agreements; prohibiting such persons from requiring the forfeiture of certain property if the producer of insurance pursues other employment; providing penalties; and providing other matters properly relating thereto.

Senator Townsend moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 75—AN ACT relating to the use of audiovisual technology; allowing the use of audiovisual technology under certain circumstances for counseling and evaluations required for certain offenses; and providing other matters properly relating thereto.

Senator Washington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 76—AN ACT relating to juveniles; revising the provisions pertaining to evaluations of juveniles who commit certain unlawful acts involving alcohol or controlled substances; and providing other matters properly relating thereto.

Senator Washington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 77—AN ACT relating to domestic violence; revising the provisions pertaining to the counseling required for a person convicted of a battery which constitutes domestic violence; and providing other matters properly relating thereto.

Senator Washington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Care, Titus, Wiener, Nolan, Amodei, Carlton, Coffin, Lee, Mathews, McGinness, Schneider, Washington; Assemblymen Perkins, Buckley, McCleary and McClain:

Senate Bill No. 78—AN ACT relating to education; making permanent the authority of the Board of Regents of the University of Nevada to grant waivers for registration and laboratory fees for active members of the Nevada National Guard; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 1; Senate Concurrent Resolutions Nos. 1, 2; Senate Resolutions Nos. 1, 2, 3.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to David Colbert, John Leonard, Phillip Williams, Joseph Perez, Florentino Tobie, Quandarous Baker, Paul Hin, Rogelio Esparza and Brandon Delatorre.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Melissa Cook.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Brian Rogers, Southwest Ambulance; Chief Mike Meyers, Las Vegas Fire Department; Chief Trent Jenkins, Clark County Fire Department; and Chief Randy Howell, Henderson Fire Department.

Senator Raggio moved that the Senate adjourn until Thursday, February 17, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:23 a.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate