

**THE FORTY-SEVENTH DAY**

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CARSON CITY (Friday), March 25, 2005

Senate called to order at 10:05 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Stanley Friend.

Almighty God, today is called Good Friday according to the Christian calendar. The narrative of Jesus, who was willing to be betrayed and given into the hands of sinners and suffered death upon the cross, expresses supreme love and sacrifice.

Grant to each of us a measure of that kind of goodwill so that we, too, can act in love toward others. In Your Name, we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 24, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 220.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 94, 95.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Cegavske:

Senate Bill No. 344—AN ACT relating to driving under the influence of alcohol; establishing the crime of driving under the extreme influence of alcohol for a person who drives a motor vehicle or operates a vessel with a concentration of alcohol of 0.18 or more in his blood or breath; providing penalties; 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 Senators Carlton and Titus:

Senate Bill No. 345—AN ACT making an appropriation to the Division of State Library and Archives of the Department of Cultural Affairs for distribution to the Nevada Public Radio Corporation and KLVX Communications Group for support of the statewide Radio Reading Service for blind and print-impaired persons and for the Captioned Media

Program for deaf persons; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Lee:

Senate Bill No. 346—AN ACT relating to the Legislators' Retirement System; providing for the voluntary participation of a Legislator in the Legislators' Retirement System; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Wiener, Titus, Raggio, Townsend and Assemblyman Anderson:

Senate Bill No. 347—AN ACT relating to personal identifying information; prohibiting the establishment or possession of a financial forgery laboratory; enhancing the penalties for crimes involving personal identifying information that are committed against older persons and vulnerable persons; requiring the issuer of a credit card to provide a notice including certain information concerning its policies regarding identity theft and the rights of cardholders before issuing a credit card to a cardholder; requiring data collectors to provide notification concerning any breach of security involving system data; making various other changes concerning personal identifying information; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Townsend, Raggio and Amodei:

Senate Bill No. 348—AN ACT relating to the Judicial Department; revising the qualifications for district judges; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Care:

Senate Bill No. 349—AN ACT relating to lobbying; prohibiting a person who provided or works for a person who provided services for consideration to a successful candidate for the Legislature from serving as a lobbyist during the term of office of the Legislator; prohibiting a person who is related to a member of the governing body of certain counties and cities, or persons who

work or do business with such a person, from lobbying the governing body of the county or city; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Titus, Carlton, Horsford, Wiener, Coffin, Care, Lee, Mathews and Schneider:

Senate Bill No. 350—AN ACT relating to purchasing; prohibiting state agencies and local governments from outsourcing purchasing contracts to foreign countries; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 351—AN ACT relating to gaming; revising provisions governing resort hotels and nonrestricted gaming licenses in certain counties; revising the definition of "resort hotel" to include certain buildings where individual rooms, suites or units are under separate ownership or time share; prohibiting certain local governments from denying classification as a resort hotel to such buildings; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Senate Bill No. 352—AN ACT relating to taxation; repealing the excise tax imposed on financial institutions that is based on wages paid to their employees; repealing the excise tax imposed on banks that is based on the number of branch offices maintained in this State; requiring financial institutions to pay the excise tax imposed on employers that is based on wages paid to their employees; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 353—AN ACT relating to guardianships; requiring certain guardians to meet certain qualifications; requiring that a guardianship petition include proof of such qualifications under certain circumstances; providing the circumstances under which certain guardians may not receive compensation or expenses for certain services; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 354—AN ACT relating to sanitation; revising the provisions governing the fees and charges levied by a municipality which has an approved plan for the management of solid waste; providing that any such unpaid fee or charge constitutes a lien against the property served; providing for the foreclosure of such a lien; authorizing the governing body of such a municipality to bring an action to recover such a fee or charge that is delinquent; and providing other matters properly relating thereto.

Senator Nolan moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Coffin:

Senate Bill No. 355—AN ACT relating to veterans' affairs; providing for the payment of a bonus to certain residents of this State who are members of the Nevada National Guard or the Reserves and are called to active duty in the Armed Forces of the United States after September 11, 2001, to serve in military expeditions or operations to combat terrorism; establishing the criteria for calculating the amount of the bonus; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Townsend, Carlton, Hardy, Amodei, Nolan, Rhoads, Tiffany and Wiener:

Senate Bill No. 356—AN ACT relating to taxation; revising the provisions governing the application of sales and use taxes to retail sales of vehicles for which used vehicles are taken in trade; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senators Nolan, Townsend, Raggio and Wiener:

Senate Bill No. 357—AN ACT relating to gambling; creating the Advisory Committee on Problem Gambling; prescribing its powers and duties; creating the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling; requiring the Nevada Gaming Commission to deposit a portion of certain fees it collects in the Account; authorizing the Director of the Department of Human Resources to award grants of money

for programs for the prevention and treatment of problem gambling; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Beers, Nolan; Assemblymen Christensen, Allen, Mabey and Sibley:

Senate Bill No. 358—AN ACT relating to the taxation of property; revising the provisions governing the assessment of ad valorem taxes and special assessments upon the property in a common-interest community; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 359—AN ACT relating to property; prohibiting the use of delegates or representatives to exercise the voting rights of units' owners in certain common-interest communities; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Horsford:

Senate Bill No. 360—AN ACT relating to convicted persons; providing that an ex-felon who has been restored to his civil right to vote must not be required to present documentation as proof of his right to vote; restoring certain civil rights at specified times to certain persons who receive a dishonorable discharge from parole or probation; reducing the period in which a person who commits a crime must wait before seeking to seal records relating to his conviction; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 361—AN ACT making an appropriation to the City of Reno for assistance in the construction of the Community Assistance Center; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 362—AN ACT relating to the tax on special fuel; providing for a separate rate of tax on alternative renewable fuel; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senator Nolan:

Senate Bill No. 363—AN ACT relating to factory-built housing; revising the definition of "single-family residence" for purposes of zoning ordinances; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan:

Senate Bill No. 364—AN ACT relating to interscholastic activities and events; creating an advisory committee to the association for interscholastic athletic activities and events; prescribing the membership and duties of the advisory committee; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan:

Senate Bill No. 365—AN ACT relating to public safety; requiring the Nevada Commission on Homeland Security to establish a statewide mapping system for the public buildings in this State to the extent money is available for a system; requiring the crisis response plans for public and private schools to include an appropriate response to acts of terrorism; encouraging retail establishments doing business in this State to adopt the "Code Adam" program; 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 Senators Beers, Cegavske, Tiffany, Heck, Washington; Assemblymen Hettrick, Gansert, Christensen, Allen, Angle, Carpenter, Goicoechea, Grady, Hardy, Holcomb, Mabey, Seale, Sherer and Sibley:

Senate Bill No. 366—AN ACT relating to state financial administration; providing for a one-time credit against the basic governmental services tax that would otherwise be payable upon the registration of certain motor vehicles during the 2005-2006 Fiscal Year; and providing other matters properly relating thereto.

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

Motion carried.

Senator Hardy moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 10:12 a.m.

#### SENATE IN SESSION

At 10:16 a.m.

President Hunt presiding.

Quorum present.

Assembly Bill No. 94.

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

Motion carried.

Assembly Bill No. 95.

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

Motion carried.

Assembly Bill No. 220.

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

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Heck moved that Senate Bill No. 120 be taken from the General File and placed on the Secretary's desk.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 32.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "\$1,400,000 for unanticipated costs related to electronic payments in Fiscal Year 2004-2005 in administrative services. This appropriation is supplemental".

Amend the title of the bill to read as follows:

"AN ACT making a supplemental appropriation to the Department of Motor Vehicles for unanticipated costs related to electronic payments in Fiscal Year 2004-2005 in administrative services; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes supplemental appropriation to Department of Motor Vehicles for unanticipated costs related to electronic payments in Fiscal Year 2004-2005 in administrative services. (BDR S-1196)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 204.

Bill read third time.

Remarks by Senators Washington, Carlton, Raggio and Lee.

Senator Carlton disclosed that this bill makes an appropriation to the Department of Public Safety where her husband is employed.

Senator Lee disclosed that his company had been working with the State and the National Tile Institute to correct various problems, why those things happened and if the materials were used properly.

Roll call on Assembly Bill No. 204:

YEAS—21.

NAYS—None.

Assembly Bill No. 204 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Resolutions Nos. 4, 5.

#### REMARKS FROM THE FLOOR

Senator Titus requested that her remarks be entered in the Journal.

Thank you, Madam President. You will note that on your desk is Assembly Concurrent Resolution No. 12 recognizing today as Greek Independence Day. Since the resolution will not have time to reach the Senate today, I wanted to note its significance, and since this resolution points out the many contributions of Greeks but fails to mention the many fine Greek foods available, like moussaka, spanakopita and calamata, I would like to tell everyone there is a Greek food festival in Ely this weekend if you would like to attend.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the Numa Elementary School: Maria Juana Barajas, Jesus Carrion, Austin Chadwick, Cassie Copeland, Nathan Denney, Kayla Kinkade, Cedie Lewis, Wendy Lopez, Monty McCaffrey, Algenis Middleton, Shiam Ament, Clint Myers, Laura Nelson, Kayla Norcutt, Alyssa Hooper-Howe, Jared Pishion, Hailey Plumb, Daniel Pursley, Joshua Reavy, Allison Sherman, Taylor Steninger, Kayla Clough, Justin Domer, Joseph Baltazar, Jose Barrera, Jessica Callahan, Michael Dee Erica, Devin Farren, Juanita Gonzalez, Shelly Greenwood, Jessica Hisey, Shantanna Irwin, Sonia



Lopez, Colby Malone, Cynthia Martinez, Dulce Manchaca, Gloria Montes, Jade Parkerson, Ian Pendarvis, Vanessa Perez-Garcia, Tieler Tucker, Robert White, Caitlin Biggs, Christian Solis, Scotti Jenkins, Silverio Montes, Angel Allsop, Demi Grant, Sierra Esposito, Lani Martin, Alysso Santos, Michael DeRose, Khane Crooks, Alyssa Scheele, Renee Sandoval, Kylie Grossell, Briana Homer, Luis Vicencio, Nicolas Martinez, Aaron Raymie, Destry Thomas, Yoseline Carrion, Emedio Montes, Buster Kyte, Carmen Fonseca, Jeffrey Pishion, Lorie Chadwick, Laura Garcia, Marcela Fonseca, Dave Santos; chaperones: Andrea Denney, Celeste Cousins, Alissa Reavy, Roberta Clough, Josephina Middleton, Mike Ansotegui, Deborah Howard, Becky Malone, Lynn Biggs, David Leasure, Monica Leasure, Dozi Grant, Michelle Grossell, Sue Homer, Timothy Raymie, Mike Esposito, Diane DeRose, Dan Lucas, Lisa Scheele; teachers: Susannah Hooper-Howe, Cherry Williamson, and Sue Ansotegui.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Lynda May, Taneesha May and Jacob Jeffery May.

Senator Raggio moved that the Senate adjourn until Monday, March 28, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 10:33 a.m.

Approved:

LORRAINE T. HUNT  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*