

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 8, 2005

Senate called to order at 11:01 a.m.

President Hunt presiding.

Roll called.

All present except Senator Care, who was excused.

Prayer by Chaplain Rosemary Smith.

Almighty God, we come before You this morning thanking You for the protection You have given us this day. It is the day You have made, and we rejoice in it. Give our Senators and Assemblymen hearts and minds during this Session to work for the good of all Nevadans.

We pray for the Pope who will be laid to rest today and for the safety of our President and his entourage as they travel overseas. We also ask that You would be with our brave servicemen and women serving all over the world and ask that You would bring them safely back to their homes.

Especially, we ask Your blessings upon the Republican Women who have gathered this weekend from all over our wonderful State to observe first-hand the workings of our state government. Grant them and all a safe return to their homes. We ask for all things according to Your will in the Name of Jesus Christ.

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.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Finance.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA K. CEGAVSKE, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which were referred Senate Bills Nos. 55, 60, 175, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 8, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 165.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 214, 308, 393.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICE

Senator Cegavske moved that Senate Bill No. 311 be rereferred to the Committee on Finance.

Remarks by Senator Cegavske.

Motion carried.

Senator Raggio moved that Senate Bill No. 393 be taken from the Secretary's desk and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 98.

Amend section 1, page 2, line 2, by deleting "11," and inserting "12,".

Amend sec. 2, page 2, line 4, by deleting "11," and inserting "12,".

Amend sec. 3, page 2, line 8, by deleting "Rural" and inserting: "*Nevada Rural and Public Interest*".

Amend sec. 3, page 2, line 9, by deleting "10" and inserting "11".

Amend sec. 7, page 2, line 20, by deleting "Rural Nevada" and inserting: "*Nevada Rural and Public Interest*".

Amend sec. 8, page 2, lines 22 and 23, by deleting "Rural Nevada" and inserting: "*Nevada Rural and Public Interest*".

Amend sec. 8, page 2, by deleting line 24 and inserting: "*practice law:*

(a) *In legally underserved areas of rural Nevada; or*

(b) *In a nonprofit organization whose primary purpose is to provide legal services to persons in need.*".

Amend sec. 8, page 2, line 25, by deleting "Rural Nevada" and inserting: "*Nevada Rural and Public Interest*".

Amend sec. 8, page 2, line 29, after "(b)" by inserting: "*Designate nonprofit organizations whose primary purpose is to provide legal services to persons in need in this State to participate in the program based on the financial compensation that the nonprofit organizations provide to the practitioners who are employed by the nonprofit organizations;*

(c)".

Amend sec. 8, page 2, by deleting lines 30 and 31 and inserting:

"(d) Match practitioners with:

(1) Areas designated as legally underserved; or

(2) Nonprofit organizations designated to participate in the program."

Amend sec. 9, page 2, line 32, by deleting "The" and inserting: *"Within the limits of available money, the"*.

Amend sec. 9, page 2, line 33, by deleting "Rural Nevada" and inserting: *"Nevada Rural and Public Interest"*.

Amend sec. 9, page 2, line 34, before "loans" by inserting *"educational"*.

Amend sec. 9, page 3, line 2, by deleting "area." and inserting: *"area or in a nonprofit organization designated to participate in the program."*

Amend sec. 9, page 3, line 3, by deleting: *"The Rural Nevada"* and inserting: *"Within the limits of available money, the Nevada Rural and Public Interest"*.

Amend sec. 9, page 3, line 6, by deleting "11," and inserting "12,".

Amend sec. 9, page 3, line 7, by deleting "Rural Nevada" and inserting: *"Nevada Rural and Public Interest"*.

Amend sec. 9, page 3, line 13, by deleting "11," and inserting "12,".

Amend the bill as a whole by renumbering sections 10 through 12 as sections 11 through 13 and adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. The program established pursuant to section 9 of this act must:

1. Require a practitioner to contribute a minimum amount toward the repayment of his educational loans which must be not less than 5 percent of the monthly salary of the practitioner.

2. Limit the amount of a practitioner's educational loans that may be repaid on behalf of the practitioner for each year that the practitioner practices law under the program to not more than 20 percent per year."

Amend sec. 10, page 3, line 14, by deleting "Rural" and inserting: *"Nevada Rural and Public Interest"*.

Amend sec. 10, page 3, lines 16 and 18, by deleting "Rural Nevada" and inserting: *"Nevada Rural and Public Interest"*.

Amend sec. 10, page 3, line 19, by deleting "11," and inserting "12,".

Amend sec. 10, page 3, line 28, by deleting "Rural Nevada" and inserting: *"Nevada Rural and Public Interest"*.

Amend sec. 10, page 3, line 30, before "loans" by inserting *"educational"*.

Amend sec. 11, page 3, line 32, by deleting "Rural Nevada" and inserting: *"Nevada Rural and Public Interest"*.

Amend sec. 11, page 3, by deleting lines 36 through 38 and inserting: *"forth in detail:*

(a) The transactions conducted by Nevada Rural and Public Interest Legal Services Corps during the biennium ending June 30 of such a year; and

(b) The need, if any, for legislative appropriations to fund the program."

Amend sec. 11, page 3, line 39, by deleting "*Rural Nevada*" and inserting: "*Nevada Rural and Public Interest*".

Amend sec. 11, page 3, line 43, by deleting "*11*," and inserting "*12*,".

Amend the title of the bill by deleting the third through seventh lines and inserting: "create a Nevada Rural and Public Interest Legal Services Corps to encourage attorneys to practice in legally underserved areas of the State and to accept employment with certain nonprofit organizations and to administer a program of repayment of educational loans for such attorneys; creating the Account for Nevada Rural and Public Interest Legal Services; and providing other".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes creation of Nevada Rural and Public Interest Legal Services Corps within William S. Boyd School of Law. (BDR 34-184)".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 90.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 171.

Amend section 1, page 1, line 3, by deleting "\$3,214,280" and inserting "\$2,893,433".

Amend section 1, page 1, line 6, by deleting "\$2,730,965" and inserting "\$2,410,118".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 235.

Bill read second time and ordered to third reading.

Senate Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 165.

Amend sec. 18, page 4, line 36, by deleting "and" and inserting "~~and~~".

Amend sec. 18, page 4, by deleting lines 39 and 40 and inserting: "signs stating "Warning: Avalanche Danger ~~Area~~"

~~2. A skiing~~ Area"; and

(d) To inform skiers and snowboarders that, pursuant to NRS 455A.170 it is a misdemeanor to engage in skiing or snowboarding, or embark on a chair

lift that is proceeding predominantly uphill, while intoxicated or under the influence of a controlled substance, unless in accordance with a lawfully issued prescription.

2. *An operator shall equip vehicles it uses on or in".*

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 328.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 164.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: *"recipients of Medicaid or recipients of services pursuant to the Children's Health Insurance Program traveling to and returning from providers of services under the State Plan for Medicaid or the Children's Health Insurance Program."*

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance; ~~for~~

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes ~~for~~; or

3. *A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421."*

Amend the title of the bill by deleting the fourth and fifth lines and inserting: *"or recipients of services pursuant to the Children's Health Insurance Program traveling to and returning from providers of services under the State Plan for Medicaid or the Children's Health Insurance Program; exempting brokers of certain transportation services from certain provisions concerning the regulation and licensing of motor carriers; exempting common"*.

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provision of certain transportation services. (BDR 38-1395)".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 496.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 41.

Bill read third time.

Remarks by Senator Amodei.

Roll call on Senate Bill No. 41:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 41 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 76.

Bill read third time.

Remarks by Senator McGinness.

Roll call on Senate Bill No. 76:

YEAS—16.

NAYS—Carlton, Horsford, Titus, Wiener—4.

EXCUSED—Care.

Senate Bill No. 76 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111.

Bill read third time.

Senator Townsend moved that Senate Bill No. 111 be taken from the
General File and placed on the Secretary's desk.

Remarks by Senator Townsend.

Motion carried.

Senate Bill No. 118.

Bill read third time.

Remarks by Senators Nolan and Beers.

Senator Nolan disclosed that he had formerly worked full time and also in
a part-time capacity as an investigator with the Clark County Coroner's
Office and is no longer employed there but does remain on the reserve list.

Roll call on Senate Bill No. 118:

YEAS—19.

NAYS—Beers.

EXCUSED—Care.

Senate Bill No. 118 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122.

Bill read third time.

Remarks by Senators Raggio and Heck.

Senator Raggio moved that Senate Bill No. 122 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senate Bill No. 152.

Bill read third time.

Roll call on Senate Bill No. 152:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 152 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170.

Bill read third time.

Roll call on Senate Bill No. 170:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 170 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186.

Bill read third time.

Roll call on Senate Bill No. 186:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 186 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 194.

Bill read third time.

Remarks by Senators Beers, Nolan and Heck.

Roll call on Senate Bill No. 194:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 194 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate
would recess subject to the call of the Chair.

Senate in recess at 11:48 a.m.

SENATE IN SESSION

At 11:52 a.m.

President Hunt presiding.

Quorum present.

Senate Bill No. 210.

Bill read third time.

Roll call on Senate Bill No. 210:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 210 having received a two-thirds majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 218.

Bill read third time.

Roll call on Senate Bill No. 218:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 218 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 301.

Bill read third time.

Roll call on Senate Bill No. 301:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 301 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 321.

Bill read third time.

Remarks by Senators Washington and McGinness.

Roll call on Senate Bill No. 321:

YEAS—19.

NAYS—None.

NOT VOTING—Horsford.

EXCUSED—Care.

Senate Bill No. 321 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417.

Bill read third time.

Remarks by Senator Carlton.

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

My "no" vote on this is not that I do not want to see regulations and I do not want to see them restricted from certain areas. This bill does not take into consideration ownership versus rental. That is the only part of this that I am opposed to.

Senator Carlton disclosed that her family owns a Segway.

Roll call on Senate Bill No. 417:

YEAS—19.

NAYS—Carlton.

EXCUSED—Care.

Senate Bill No. 417 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442.

Bill read third time.

Roll call on Senate Bill No. 442:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 442 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449.

Bill read third time.

Remarks by Senators Horsford and Amodei.

Roll call on Senate Bill No. 449:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 449 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 483.

Bill read third time.

Roll call on Senate Bill No. 483:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 483 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 Bill No. 85; Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to Nicki Stedman and Rosemary Smith.

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Yvonne Grant.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Darlynn Branton and Michele Norris.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Lisa Heck and Joey Heck.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Bette Renwick, Toni Valdez and Amelia Tomashek.

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

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Mary Ellen Cushard and Carol Del Carlo.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Pat Reams.

On request of Senator Tiffany, the privilege of the floor of the Senate Chamber for this day was extended to Doris Steiner, Betty Lewis, Anne Killoran and Jan McWhirter.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Beverly Willard.

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

Motion carried.

Senate adjourned at 12:08 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate