

**THE SIXTY-FOURTH DAY**

CARSON CITY (Monday), April 11, 2005

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

President Hunt presiding.

Roll called.

All present except Senator Townsend, who was excused.

Prayer by the Chaplain, Pastor Bruce Kochsmeier.

We come to You this day because You have given us life and call us by Your Holy Spirit to seek You before all else.

With the poet we confess that, "We laugh, we cry, we live, we die, and when we're gone, the world moves on. We love, we hate, we learn too late how small we are, how little we know."

We come to You in the spirit of this confession seeking Your wisdom for You know all we need to know for this Session, this life. Equip Your servants in this Senate gathering today to serve Your greatest purpose. Give them courage to seek Your truth and the conviction to live by it. We thank You for the opportunity to serve Your people. Bless this gathering today that all Your people may be blessed to be a blessing. We humbly 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.

## REPORTS OF COMMITTEES

*Madam President:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 302, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 52, 147, 354, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN B. HARDY II, *Chair**Madam President:*

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair**Madam President:*

Your Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 139, 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 11, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 355, 357, 485.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 247, 309, 352, 391, 437, 458, 491.

GARY GHIGGERI  
*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 17—Requiring the Legislative Committee on Health Care to conduct an interim study of policies related to pain management.

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

Motion carried.

Senator Raggio moved that Senate Bill No. 57 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 497—AN ACT making an appropriation for the establishment of a cost share, community incentive grant program to reduce hazardous wildfire fuels on private property and increase protection to Nevada communities at risk from wildfire by supporting the implementation of Community Wildfire Protection Plans and providing operating funds to ensure the continued existence of the Nevada Fire Safe Council; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 498—AN ACT making an appropriation to the Division of State Parks of the State Department of Conservation and Natural Resources for expenses relating to the operation and maintenance of the Elgin Schoolhouse as a historic site for visitation by the public; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 499—AN ACT making an appropriation to Easter Seals Southern Nevada for the construction of a new facility; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 500—AN ACT making an appropriation to the Future Stars of America to contract with instructors, rent space for classrooms and build community awareness of the program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 501—AN ACT making an appropriation for the purchase of voting machines for Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 502—AN ACT making an appropriation for the implementation of an Offender Tracking Information System for the Department of Corrections; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 503—AN ACT making an appropriation for the restoration and preservation of the exterior of the Lear Theater in Reno; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 504—AN ACT making an appropriation to the Legislative Fund; and providing other matters properly relating thereto.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Nolan moved that Senate Bill No. 55 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Nolan.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 96.

Amend sec. 2, pages 2 and 3, by deleting lines 23 through 25 on page 2 and lines 1 through 5 on page 3, and inserting: "*the date and time of day. The documentation required for each driving experience may*".

Amend sec. 3, pages 3 and 4, by deleting lines 43 and 44 on page 3 and lines 1 through 7 on page 4.

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 through 13 as sections 10 through 12.

Amend the title of the bill by deleting the sixth through eleventh lines and inserting: "revising provisions governing automobile".

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 206.

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

Amend section 1, page 2, between lines 2 and 3, by inserting:

"2. *Subsection 1 does not infer any obligation upon a state agency, local government or other public employer to grant a leave of absence to a Legislator to allow service during a regular or special session of the Legislature.*".

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 126.

Amend section 1, page 2, by deleting lines 3 through 14 and inserting: "Division of the Department shall, ~~at the~~ within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or his legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative or insurer, as applicable, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the Nevada Highway Patrol or the Investigation Division that concern the accident, unless ~~the~~ :

1. The materials are privileged or confidential pursuant to a specific statute ~~[-]~~; or

2. The accident involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of an accident; or

(c) The commission of a felony."

Amend sec. 2, page 2, line 16, by deleting "~~15~~ 10" and inserting: "15".

Amend sec. 2, page 2, by deleting lines 22 and 23 and inserting:

"2. Upon receipt of a written complaint alleging a violation of subsection 1, the Department shall conduct an investigation of the alleged violation.

3. If the Department determines that the seller or other secured party has violated the provisions of subsection 1, the Department shall impose an administrative fine of \$25 for each day that the seller or".

Amend sec. 2, page 2, line 28, by deleting "3." and inserting "4."

Amend sec. 2, page 2, line 29, by deleting "2" and inserting "3".

Amend the bill as a whole by deleting section 3 and renumbering sections 4 through 11 as sections 3 through 10.

Amend sec. 4, page 4, line 20, by deleting "10" and inserting "14".

Amend sec. 5, page 5, line 18, after "owner of" by inserting: "and each person who holds a security interest in".

Amend sec. 6, page 5, by deleting lines 29 through 39 and inserting:

"248.242 A sheriff shall, ~~at the~~ within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or his legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative or insurer, as applicable, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the sheriff's office that concern the accident, unless ~~the~~ :

1. The materials are privileged or confidential pursuant to a specific statute ~~[-]~~; or

2. The accident involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of an accident; or

(c) The commission of a felony."

Amend sec. 7, pages 5 and 6, by deleting lines 41 through 45 on page 5 and lines 1 through 6 on page 6, and inserting:

"258.072 A constable shall, ~~at the~~ *within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or his legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative or insurer, as applicable, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the constable's office that concern the accident, unless ~~the~~* :

1. *The materials are privileged or confidential pursuant to a specific statute ~~[-]~~; or*

2. *The accident involved:*

(a) *The death or substantial bodily harm of a person;*

(b) *Failure to stop at the scene of an accident; or*

(c) *The commission of a felony."*

Amend sec. 8, page 6, by deleting lines 9 through 19 and inserting: "of a city shall, ~~at the~~ *within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or his legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative or insurer, as applicable, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the accident, unless ~~the~~* :

1. *The materials are privileged or confidential pursuant to a specific statute ~~[-]~~; or*

2. *The accident involved:*

(a) *The death or substantial bodily harm of a person;*

(b) *Failure to stop at the scene of an accident; or*

(c) *The commission of a felony."*

Amend sec. 9, page 6, by deleting lines 22 through 32 and inserting: "of a town shall, ~~at the~~ *within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or his legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative or insurer, as applicable, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the accident, unless ~~the~~* :

1. *The materials are privileged or confidential pursuant to a specific statute ~~[-]~~; or*

2. *The accident involved:*

(a) *The death or substantial bodily harm of a person;*

(b) *Failure to stop at the scene of an accident; or*

(c) *The commission of a felony."*

Amend sec. 10, page 6, by deleting lines 34 through 45 and inserting:  
 "280.400 A metropolitan police department shall, at the *within 7 days after receipt of a written* request of a person who claims to have sustained damages as a result of an accident, *or his legal representative or insurer*, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, *or his legal representative or insurer, as applicable*, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the department that concern the accident, unless ~~the~~ :

1. *The materials are privileged or confidential pursuant to a specific statute* ~~[-]~~ ; or

2. *The accident involved:*

(a) *The death or substantial bodily harm of a person;*

(b) *Failure to stop at the scene of an accident; or*

(c) *The commission of a felony."*

Amend sec. 11, page 7, by deleting lines 2 through 13 and inserting:  
 "396.328 The Police Department for the System shall, ~~at the~~ *within 7 days after receipt of a written* request of a person who claims to have sustained damages as a result of an accident, *or his legal representative or insurer*, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ *his legal representative or insurer, as applicable*, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the Department that concern the accident, unless ~~the~~ :

1. *The materials are privileged or confidential pursuant to a specific statute* ~~[-]~~ ; or

2. *The accident involved:*

(a) *The death or substantial bodily harm of a person;*

(b) *Failure to stop at the scene of an accident; or*

(c) *The commission of a felony."*

Amend the title of the bill by deleting the second through fourth lines and inserting: "vehicle accident reports;"

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 205.

Bill read second time.

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

Amendment No. 148.

Amend sec. 3, page 2, line 9, after "*cemetery*;" by inserting "*or*".

Amend sec. 6, page 3, line 30, by deleting "*appropriate*." and inserting: "*appropriate, including payment of any costs to reinter or redeposit the*

*contents of any grave, tomb or crypt that were removed or disturbed by the person."*

Amend sec. 6, page 3, line 39, by deleting "injured." and inserting: "injured ~~[-]~~ and to conduct any reinterment or redeposit for which costs were ordered pursuant to subsection 1."

Amend sec. 7, page 4, line 9, after "(c);" by inserting "or".

Amend the title of the bill, first line, by deleting "cemeteries;" and inserting "crimes;"

Senator Mathews moved the adoption of the amendment.

Remarks by Senator Mathews.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 149.

Amend section 1, page 2, by deleting lines 10 through 12 and inserting:

"2. *If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:*"

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck, Titus, Care, Schneider, Nolan, Washington and Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

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

Motion carried.

Senate in recess at 11:23 a.m.

#### SENATE IN SESSION

At 11:25 a.m.

President Hunt presiding.

Quorum present.



## MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Senate Bill No. 32 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Washington.

Motion carried.

Senator Raggio moved that Senate Bills Nos. 32, 90, 122, 235, 261, 328, 401, 496; Senate Joint Resolution No. 12 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

## UNFINISHED BUSINESS

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 94, 95.

## 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 the following students and chaperones from the Fernley Elementary School: Ashley Almond-Wilson, Michelle Araya, Stephanie Araya, Josh Brecht, Michelle Brill, Savanna Burgess, Demitrique Butchery, Nathan Capps, Karly Chelius, Terrance Cooper, Danika Cosens, Josh Cutts, Alex Del Porto, Marina Goggin, Sierra Goggin, Katie Green, Briana Howell, Nancy Jimenez, Mandee Kahn, George Kang, Elizabeth Keirn, Amelia Maguin, Grae Matheus, Zack Matheus, Aaron McGuinness, Gina Neeley, Patricia Pena, Kayla Pruett-Barnes, Staci Ratliff, Jacey Reynolds, Jenna Richardsen, Jessica Richardson, Dylan Robertson, Kyle Russell, Leah Sage, Gabriel Sanchez, Lindsay Sewell, Rebecca Stevenson, Allyson Stoufflet, Sara Stowe, Elizabeth Swinford, Ashlee Sypher, Jordan Todd, Jackie Trousdale, Kelsey Viola, Lindsey Viola, Dallas Voyce, Amy Wagner, Luke White, Danielle Wilson, Katie Wilson, J. J. Wren; chaperones: Heidi Barnes, Rhonda Cutts, Margaret Goggin, Annette Keirn, Diane Ratliff, Shelly Scott, Susan Sewell, Toni Stowe, Maryanne Sypher and Diana Skinner-Wagner.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Cami Harris.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Manuel Papazian.

Senator Raggio moved that the Senate adjourn until Tuesday, April 12, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:29 a.m.

Approved:

LORRAINE T. HUNT  
*President of the Senate*

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