

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 13, 2005

Senate called to order at 11:17 a.m.

President pro Tempore Amodei presiding.

Roll called.

All present except Senators Carlton and Horsford, who were excused.

Prayer by the Chaplain, Reverend Peggy Locke.

I will sing to You, O Lord, and give praise to You; You have made everything beautiful in its time.

We offer petitions, prayers, intercessions and thanksgivings on behalf of all people for all those in authority.

Let not those who are wise, boast of their wisdom. Let not those who are strong, boast of their strength. Let not those who are rich, boast in their riches.

But let those who boast, boast about this: that they understand and know the Most High God, who exercises loving kindness, justice and righteousness.

Bless our families, and protect our troops who faithfully serve this wonderful Country. Lead and guide us today; may we seek You and Your strength. Make our paths straight, and may we acknowledge and honor You, O Lord, in all of our decisions.

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 Finance, to which were referred Assembly Bills Nos. 40, 104, 105, 532, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were rereferred Senate Bills Nos. 22, 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Mr. President pro Tempore:

Your Committee on Human Resources and Education, to which was referred Assembly Bill No. 395, 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*

Mr. President pro Tempore:

Your Committee on Judiciary, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

Mr. President pro Tempore:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 542; Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

Mr. President pro Tempore:

Your Committee on Taxation, to which was referred Senate Bill No. 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MIKE MCGINNESS, *Chair*

Mr. President pro Tempore:

Your Committee on Transportation and Homeland Security, to which was rereferred Assembly Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 12, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 3, 16, 21, 90, 136, 442; Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 438.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 30, Amendment No. 701; Senate Bill No. 35, Amendment No. 702; Senate Bill No. 77, Amendment No. 691, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 38, 39, 40, 41.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 666 to Assembly Bill No. 78.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bill No. 420.

GARY GHIGGERI

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that for this legislative day, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 511—AN ACT making a supplemental appropriation to the Department of Education for signing bonuses for teachers; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 438.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 725.

Amend the bill as a whole by deleting sections 7 and 8 and adding:

"Secs. 7 and 8. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 18 through 22 and adding:

"Secs. 18-22. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 25 and adding:

"Sec. 25. (Deleted by amendment.)".

Amend the title of the bill by deleting the eighth through tenth lines and inserting: "guardians; and providing other matters".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 84.

Bill read second time.

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

Amendment No. 694.

Amend the bill as a whole by renumbering sec. 3 as sec. 10 and adding new sections designated sections 3 through 9, following sec. 2, to read as follows:

"Sec. 3. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to a homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.*

2. *A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person for a duplicate driver's license.*

3. *If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a homeless person pursuant to subsection 1, the homeless person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the homeless person:*

- (a) Applies to the Department for the renewal of his driver's license; and*
- (b) Is employed at the time of such application.*

4. *The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to homeless persons.*

Sec. 5. 1. *The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to a homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.*

2. *A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person for a duplicate identification card.*

3. *If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a homeless person pursuant to subsection 1, the homeless person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the homeless person:*

- (a) Applies to the Department for the renewal of his identification card; and*
- (b) Is employed at the time of such application.*

4. *The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to homeless persons.*

5. *As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.*

Sec. 6. NRS 483.010 is hereby amended to read as follows:

483.010 The provisions of NRS 483.010 to 483.630, inclusive, *and section 4 of this act* may be cited as the Uniform Motor Vehicle Drivers' License Act.

Sec. 7. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, *and section 4 of this act* apply only with respect to noncommercial drivers' licenses.

Sec. 8. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 4 of this act*, unless the context otherwise requires, the words and terms defined in

NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 9. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view colored photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of his return, surrender the temporary license and obtain a license which bears his photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if he surrenders the temporary license, obtains a license which bears his photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) ~~By~~ *Except as otherwise provided in sections 4 and 5 of this act, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section."*

Amend sec. 3, page 3, line 38, by deleting "6," and inserting: "6 ~~and~~ *and section 4 of this act,*".

Amend sec. 3, page 4, line 20, by deleting "The" and inserting: "~~The~~ *Except as otherwise provided in section 4 of this act, the*".

Amend sec. 3, page 4, by deleting lines 27 through 33 and inserting:

"6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

(a) Voluntarily surrendered for medical reasons; or

(b) Cancelled pursuant to NRS 483.310."

Amend the bill as a whole by renumbering sec. 4 as sec. 14 and adding new sections designated sections 11 through 13, following sec. 3, to read as follows:

"Sec. 11. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him;

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive ~~[-]~~, *and section 4 of this act*; or

(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 12. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and section 4 of this act*, unless such violation is, by NRS 483.010 to 483.630, inclusive, *and section 4 of this act*, or other law of this State, declared to be a felony.

Sec. 13. NRS 483.630 is hereby amended to read as follows:

483.630 NRS 483.010 to 483.630, inclusive, *and section 4 of this act* shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them."

Amend sec. 4, page 4, line 43, after "inclusive," by inserting: "*and section 5 of this act*".

Amend sec. 4, page 5, line 6, by deleting "*subsection 3,*" and inserting: "*section 5 of this act,*".

Amend sec. 4, page 5, line 24, by deleting the brackets and strike-through.

Amend sec. 4, page 5, by deleting lines 26 through 29 and inserting: "age or older."

Amend sec. 4, page 5, line 30, by deleting "The" and inserting: "~~The~~ Except as otherwise provided in section 5 of this act, the".

Amend the bill as a whole by renumbering sec. 5 as sec. 16 and adding a new section designated sec. 15, following sec. 4, to read as follows:

"Sec. 15. The Department of Motor Vehicles shall:

1. Encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards pursuant to NRS 483.347 to waive the cost it charges the Department to produce photographs for duplicate drivers' licenses or identification cards furnished to homeless persons pursuant to subsection 2 of section 4 of this act and subsection 2 of section 5 of this act.

2. Prepare a report concerning the provision of duplicate drivers' licenses and identification cards without a fee to homeless persons and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature."

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 108.

Bill read second time and ordered to third reading.

Assembly Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 732.

Amend section 1, page 2, by deleting lines 25 and 26 and inserting: "*emergency, a type IV personal flotation device approved by the United States Coast Guard which is capable of being thrown, such as a ring life buoy or buoyant cushion. A type IV personal flotation device required by this*".

Amend section 1, page 2, by deleting line 34 and inserting: "*use in an emergency, a type IV personal flotation device approved by the United States Coast Guard which is capable of being thrown,*".

Amend section 1, page 2, by deleting lines 37 and 38 and inserting: "*length, such a type IV personal flotation device must be carried on both the fore and the aft of the vessel. A type IV personal flotation device required by*".

Amend the title of the bill, second line, by deleting "safety" and inserting "personal flotation".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain vessels to carry on board certain personal flotation devices. (BDR 43-770)".

Senator Rhoads moved the adoption of the amendment.

Remarks by Senator Rhoads.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 231.

Bill read second time and ordered to third reading.

Assembly Bill No. 248.

Bill read second time and ordered to third reading.

Assembly Bill No. 271.

Bill read second time and ordered to third reading.

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 726.

Amend sec. 10, page 4, lines 8 and 10, by deleting "July" and inserting "October".

Amend sec. 23, page 6, lines 41 and 42, by deleting "July" and inserting "October".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Senate Bill No. 484 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Assembly Bills Nos. 80, 118, 159, 181, 184, 220, 341, 392, 393, 404, 486, 501, 518, 537, 547; Assembly Joint Resolutions Nos. 4, 10, 12, 14 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 78.

Bill read third time.

Roll call on Senate Bill No. 78:

YEAS—19.

NAYS—None.

EXCUSED—Carlton, Horsford—2.

Senate Bill No. 78 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 pro Tempore and Secretary signed Senate Bill No. 27; Senate Concurrent Resolutions Nos. 36, 37; Assembly Bills Nos. 67, 68, 78, 89, 163, 257, 278, 292, 381, 436, 468, 470, 473, 503, 507, 527; Assembly Joint Resolution No. 16; Assembly Concurrent Resolutions Nos. 31, 32.

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, chaperones and teachers from the Jack's Valley Elementary School: Benjamin Browning, Brayden Campbell, C. J. Davis, Lauren Ferro, Nick Fickle, Gumaro Gomez, Becky Grabow, Amanda Hancock, Tim Klekar, Victoria Lopez, Conner Love, Hunter McEachin, Joey Petrali, Raenna Ramos, Bradley Roberts, Adeleima Robles, April Rodriguez, Maguy Sandoval, Ethan Shultz, Chelsea Wilson, Alayna Ynacay-Nye, Joseph Capalbo, Raymond Corral Jr., Brenda Estrada, John Ezell, Ashley Hannah, McKenzie Hash, Thomas Mendez, Shawn Judd, Miranda Korhummel, Beverly Stevenson, Troy MacDonald, Monica Meza, Johnathon Mora, Kyle Morrison, Jacquelyn Oakden, Nicholas Martin, Logan Shaffer, Amanda Smith, Weston Stainbrook, Evan Humphrey, Nathaniel Prieto, Zaina Awali, Jessica Carrasco, Adrian Duenas, Cassandra Evans, Ashley Furno, Jaime Garcia, Cahse Gonzales, Jessica Hancock, Haley Hannah, Caymen Hoshizaki, Christian Lindbeck, Amber Martinez, Kody Miller, Jason Otranto, Nick Pilant, Time Provan, Dannielle Stempinski, Tyler VanRoy, Savannah Wood, Dakota Howell, Mandee Pope; chaperones: Cindy Grabow, Darcy Otranto, Stephen Provan, Christy Shultz; teachers: Susan Hoffman, Stacey Chambers, Jan Matts and principal: Pam Gilmartin.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Shaun Carey, Rob Joiner and the following members of the Longford, Ireland, City Council delegation: Peggy Nolan, Paddy Nolan, Tony Flaherty, Ann Marie McKeon, Michael Killeen, Eilish Killeen, Dan Rooney, Padraic Gearty, Mel Donlon and Dennis Hughes.

Senator Raggio moved that the Senate adjourn until Monday, May 16, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:35 a.m.

Approved:

MARK E. AMODEI

President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate