

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 16, 2005

Senate called to order at 11:15 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Andy Allen, Senior Member of the Walker River Paiute Tribe.

I will pray in my Paiute language to the Creator to whom we all pray. I send my prayer to Heaven then I say Amen.

In the old days, our people were very spiritual. They prayed before they did any task. If they had to go to war, they prayed and they danced. When they hunted and gathered pine nuts, they prayed and an Elder would do the prayer.

I will pray for a safe return, for all work to be completed in a nice way, for all bills to be presented in the right way. Please stand, and we will thank our Creator. Thank you.

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 Finance, to which was rereferred Senate Bill No. 391, 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 referred Senate Bills Nos. 96, 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 304, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 13, 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. 43, 199, 270, 417, 449; Senate Joint Resolution No. 11 of the 72nd Session.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

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. 512—AN ACT making a supplemental appropriation to the Department of Human Resources for the support of the Nevada Medicaid Health Care Financing and Policy and the Nevada Check-Up 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. 513—AN ACT making a contingent appropriation to the Interim Finance Committee for allocation to the Reno Sparks Convention and Visitors Authority to implement the Truckee River Recreational Master Plan; 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. 514—AN ACT relating to health care; revising the provisions governing the annual assessment of hospitals for the support of the Bureau for Hospital Patients within the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 509.

Bill read second time and ordered to third reading.

Assembly Bill No. 40.

Bill read second time and ordered to third reading.

Assembly Bill No. 104.

Bill read second time and ordered to third reading.

Assembly Bill No. 105.

Bill read second time and ordered to third reading.

Assembly Bill No. 124.

Bill read second time and ordered to third reading.

Assembly Bill No. 395.

Bill read second time.

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

Amendment No. 708.

Amend section 1, page 2, by deleting lines 6 and 7 and inserting:
"misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

3. *In addition to any criminal penalty imposed pursuant to subsection 2, a person who violates the provisions of this section is subject to a civil penalty in an amount not to exceed \$5,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.*

4. *For the purposes of this section, a degree or honorary".*

Amend section 1, page 2, line 27, by deleting "4." and inserting "5.".

Amend sec. 3, page 3, by deleting lines 35 and 36 and inserting:
"misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

3. *In addition to any criminal penalty imposed pursuant to subsection 2, a person who violates the provisions of this section is subject to a civil penalty in an amount not to exceed \$5,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.*

4. *For the purposes of this section, a degree or honorary".*

Amend sec. 3, page 4, line 7, by deleting "4." and inserting "5.".

Amend sec. 4, page 4, line 13, by deleting "file" and inserting "~~file~~ files".

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. 421.

Bill read second time and ordered to third reading.

Assembly Bill No. 532.

Bill read second time and ordered to third reading.

Assembly Bill No. 542.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 38.

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. 2, page 2, line 6, by deleting: "3, 4 and 5" and inserting: "3 to 6, inclusive,".

Amend sec. 3, page 2, line 9, by deleting "6" and inserting "7".

Amend the bill as a whole by renumbering sections 5 through 12 as sections 6 through 13 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. *"State Rehabilitation Council" means the State Rehabilitation Council established pursuant to 29 U.S.C. §§ 725 et seq.*".

Amend sec. 9, page 5, line 37, after "generally." by inserting: "*The per diem allowance and travel expenses provided to a member of the Advisory Board who is an officer or employee of the State of Nevada or a political subdivision of this State must be paid by the state agency or political subdivision which employs him.*".

Amend sec. 10, page 6, line 10, by deleting "Governor's".

Amend sec. 10, page 6, by deleting lines 11 and 12 and inserting: "*State Rehabilitation Council;*".

Amend sec. 11, page 7, by deleting lines 7 and 8 and inserting:

"*(d) The State Rehabilitation Council;*".

Amend sec. 11, page 7, by deleting lines 21 and 22 and inserting:

"*(2) The State Rehabilitation Council;*".

Amend sec. 12, page 7, line 36, by deleting "11," and inserting "12,".

Amend the bill as a whole by deleting sec. 13.

Amend sec. 14, page 10, by deleting lines 27 through 30 and inserting:

"334.025 1. ~~{If the Governor has created a Committee on Employment of Persons with Disabilities, the Committee}~~ *The Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall establish and administer a Program to Encourage*".

Amend sec. 14, page 11, line 5, by deleting "Committee" and inserting: "~~{Committee}~~ *Rehabilitation Division*".

Amend sec. 14, page 11, line 7, by deleting "Committee," and inserting: "~~{Committee,}~~ *Rehabilitation Division,*".

Amend sec. 14, page 11, lines 14 and 15, by deleting: "Committee on Employment of Persons with Disabilities" and inserting: "~~{Committee on Employment of Persons with Disabilities}~~ *Rehabilitation Division*".

Amend sec. 14, page 11, line 19, by deleting "Committee" and inserting: "~~{Committee}~~ *Rehabilitation Division*".

Amend sec. 15, page 11, line 32, by deleting "11" and inserting "12".

Amend sec. 15, page 11, line 34, by deleting "11." and inserting "12.".

Amend sec. 15, page 11, by deleting lines 43 and 44 and inserting:

"*(d) The State Rehabilitation Council;*".

Amend sec. 15, page 12, by deleting lines 13 and 14 and inserting:

"*(2) The State Rehabilitation Council;*".

Amend the bill as a whole by renumbering sec. 16 as sec. 17 and adding a new section, designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. The Rehabilitation Division of the Department of Employment, Training and Rehabilitation shall submit a report concerning its progress in establishing and administering a Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations pursuant to NRS 334.025, on or before:

1. October 1, 2005, to the Legislative Committee on Persons with Disabilities established pursuant to NRS 218.53791; and

2. December 31, 2006, to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature."

Amend sec. 16, page 12, line 26, after "inclusive," by inserting "and 16".

Amend the title of the bill by deleting the seventh through tenth lines and inserting: "prospective expiration of the Advisory Board; requiring the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to establish and administer a program to".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 107.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 710.

Amend section 1, page 2, line 4, after "*leased*" by inserting: "*pursuant to a lease-purchase agreement*".

Amend the title of the bill to read as follows:

"AN ACT relating to capital improvements; requiring local governments and certain state agencies to report information concerning capital improvements to the Legislature; requiring the State Public Works Board to compile a report concerning projects of construction of state buildings that are financed by certain bonds or obligations; and providing other matters properly relating thereto."

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 214.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 214:

YEAS—21.

NAYS—None.

Senate Bill No. 214 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 484.

Bill read third time.

Senator Amodei moved that Senate Bill No. 484 be taken from the General File and placed at the top of the General File for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

Assembly Bill No. 80.

Bill read third time.

Roll call on Assembly Bill No. 80:

YEAS—21.

NAYS—None.

Assembly Bill No. 80 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 84.

Bill read third time.

Remarks by Senators Beers, Titus and Washington.

Senator Washington moved that Assembly Bill No. 84 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Washington.

Motion carried.

Assembly Bill No. 108.

Bill read third time.

Roll call on Assembly Bill No. 108:

YEAS—21.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 112.

Bill read third time.

Roll call on Assembly Bill No. 112:

YEAS—21.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 118.

Bill read third time.

Remarks by Senators Cegavske, Amodei and Care.

Roll call on Assembly Bill No. 118:

YEAS—21.

NAYS—None.

Assembly Bill No. 118 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159.

Bill read third time.

Roll call on Assembly Bill No. 159:

YEAS—21.

NAYS—None.

Assembly Bill No. 159 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 181.

Bill read third time.

Roll call on Assembly Bill No. 181:

YEAS—20.

NAYS—Carlton.

Assembly Bill No. 181 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bill No. 184 be taken from the
General File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 220.

Bill read third time.

Roll call on Assembly Bill No. 220:

YEAS—21.

NAYS—None.

Assembly Bill No. 220 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 231.

Bill read third time.

Roll call on Assembly Bill No. 231:

YEAS—21.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:41 a.m.

SENATE IN SESSION

At 11:43 a.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Assembly Bill No. 248 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Townsend.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 271.

Bill read third time.

Roll call on Assembly Bill No. 271:

YEAS—21.

NAYS—None.

Assembly Bill No. 271 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 341.

Bill read third time.

Roll call on Assembly Bill No. 341:

YEAS—20.

NAYS—Coffin.

Assembly Bill No. 341 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 392.

Bill read third time.

Roll call on Assembly Bill No. 392:

YEAS—21.

NAYS—None.

Assembly Bill No. 392 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 393.

Bill read third time.

Remarks by Senators Titus, McGinness, Carlton, Wiener, Beers and Townsend.

Roll call on Assembly Bill No. 393:

YEAS—16.

NAYS—Carlton, Horsford, Mathews, Titus, Wiener—5.

Assembly Bill No. 393 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 404.

Bill read third time.

Remarks by Senators Raggio, McGinness, Beers, Care, Titus and Amodei.

Senator Amodei moved that Assembly Bill No. 404 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

Assembly Bill No. 418.

Bill read third time.

Remarks by Senator McGinness.

Senator McGinness moved that Assembly Bill No. 418 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assembly Bill No. 486.

Bill read third time.

Roll call on Assembly Bill No. 486:

YEAS—21.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 501.

Bill read third time.

Roll call on Assembly Bill No. 501:

YEAS—21.

NAYS—None.

Assembly Bill No. 501 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—21.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 537.

Bill read third time.

Roll call on Assembly Bill No. 537:

YEAS—21.

NAYS—None.

Assembly Bill No. 537 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 547.

Bill read third time.

Roll call on Assembly Bill No. 547:

YEAS—21.

NAYS—None.

Assembly Bill No. 547 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 4.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 4:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 4 having received a constitutional majority,
Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 10.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 10:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 10 having received a constitutional
majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 12.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 12:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 12 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 14.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 14:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 14 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the action whereby amendment No. 38 to Senate Bill No. 22 was adopted be rescinded.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 22 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 Senate Bills Nos. 3, 16, 21, 90, 136, 442; Senate Joint Resolution No. 13; Senate Concurrent Resolutions Nos. 38, 39, 40, 41.

REMARKS FROM THE FLOOR

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

Thank you, Madam President. I would like to share the reason for my absence last Friday. I was fortunate to attend the graduation of 40 law enforcement officers who graduated from the School of Police Staff and Command Class No. 206. One of those who graduated was my husband.

The officers worked hard to complete 18 credit hours from Northwestern University Police School. They were able to do this while also doing their jobs. A number of them had to travel from the rural areas of our State to Clark County to attend the school.

I would like to thank the North Las Vegas Police Department for hosting them and to extend our congratulations from the Senate to these 40 very good officers. They are now moving into another area of law enforcement.

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, chaperone and

teacher from the Bordewich-Bray Elementary School: Brandon Acero, Habeeb Ali, Jessica Anderson, Brian Bickel, Cody Carpenter, Zachary Drake, Alexander Fernandez, Amber Gandara, Christopher Garcia, Dylan Geraldts, Logan Hampton, Mikaela Powell, Kennea Rodriguez, Dylan Shirey; chaperone: Debbie Mayer and teacher: Nicole Medeiros.

On request of Senator Carlton, the following names of the graduates were placed in the Senate Journal: Mark A. Almaraz, Daniel P. Bennett, Ricardo A. Bonvicin, Michael A. Bordner, Merritt C. Carlton, Joseph R. Chronister, Raymond J. Czak, Frank M. DeMartino, Brian J. Evans, Jeffrey A. Fountain, J. Pat Gallagher, Joseph G. Gibbons, John R. Giurlani, W. Graham, Jeffrey J. Green, Michele E. Hornstein, Edward D. Jacks, Scott D. Jackson, Thomas A. Jackson, Susan K. Jackson, Carl L. Johnson, Rick L. Keema, Michael L. Kincaid, Filippo A. Liani, Michael D. Maines, Patrick E. Moers, Alfonso M. Noyola, Joseph Ojeda, Jack R. Owen Jr., Adam W. Page, Kumiko-Katie M. Primm, James W. Reed, Brian D. Sanchez, Keith E. Sandin, Jerry A. Seevers, Timothy L. Shattler, Susan L. Suttles, Scott M. Taylor, Kevin L. Tice and Paul M. Womack.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the Desert Heights Elementary School: Stacey Andrews, Franky Beltran Gonzalez, Michael Bolander, Daniel Cervantes, Alan Chavarria Sagastume, Rylie Clark, Lizeth Gutierrez Bravo, Amanda Silvers, Felipe Hernandez Medina, Lexi Johnson, Jessie O'Connell, Julio Perez Barriga, Matthew Pustovrh, Mariah Rhinehart, Katie Anderson, Miranda Carlton, Rebecca Chavez, Joselin Gonzalez, Shelby Kirschner, Tenessa Melvin, Tobin O'Brien, Joseph Prather, Marta Romero, Krystal Schertz, Alexis Torres Solorzano, Christian Trigillo, Briana Wardsworth, Jonathan Aquino, Cameron Bolado, Jazlyn Chavez Espinosa, Justin Cornwall, Jeser Fuentes Cristales, Paloma Garcia Renteria, Russell Holland, Nicholas Klett, Jessica Marlow, Ashley Medina Gil, Esmeralda Pantoja, Jessamyn Perez Monroy, Jordon Powell, Sergio Romero, Kacey Worsham; chaperones: Rosalba Medina, Mark Pustovrh, Becky O'Connell; teachers: Lorraine Highsmith, Patty Gray and Bonnie Akbar.

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

Motion carried.

Senate adjourned at 12:15 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate