

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

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## ASSEMBLY DAILY JOURNAL

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### THE TENTH DAY

CARSON CITY Wednesday, February 16, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Father of Lights, You are light and in You there is no darkness. Your Word is a lamp unto our feet and a light unto our path. Enable us to see clearly the issues set before us and grant us the wisdom to make decisions which will brighten the lives of all the citizens of this great state. I pray in the Name of the One who is even now the Light of the World.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chair*

*Mr. Speaker:*

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

COMMUNICATIONS  
CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

February 10, 2005

SPEAKER RICHARD PERKINS, 401 S. Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER PERKINS:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Wednesday, March 30, 2005. I look forward to sharing with you and your colleagues information pertaining to some of the important matters that the United States Congress will address in the next two years.

Thank you in advance for your consideration of my request and I wish you all the best for a productive session.

Sincerely,  
JON C. PORTER  
*Member of Congress*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, Monday, Feb 14 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 40.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, Tuesday, Feb 15 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 2.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 2—Requesting the Nevada Supreme Court to review the manner in which district courts receive and decide petitions to open files and records of the courts in adoption proceedings and to report its findings to the Legislature.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Joint Resolution No. 2.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 56—AN ACT relating to liens; expanding the list of persons upon whom a hospital is required to serve a notice of lien under certain circumstances; extending the period of limitation for a hospital to enforce a lien to recover certain unpaid costs of providing services to an injured person who has received compensation from a third party pursuant to a judgment or settlement; authorizing a hospital to bring an action against certain persons who have received such payments for compensation and have not paid the hospital for the services rendered to the injured person; removing the prohibition against a hospital foreclosing a lien upon real property while certain persons reside on the property and hold title to the property; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

By the Committee on Health and Human Services:

Assembly Bill No. 57—AN ACT relating to public welfare; repealing certain provisions concerning money provided to a county which is unable to pay the nonfederal share of its expenses required by an interlocal agreement for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 58—AN ACT relating to industrial insurance; requiring the licensure of certain insurance adjusters who handle claims involving industrial insurance; requiring the payment of compensation for the lost wages of injured employees who receive medical treatment under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Pierce, Leslie, Allen, Atkinson, Claborn, Gerhardt, Hogan, Horne, Manendo, Mortenson, Munford, Ocegüera, and Smith; Senators Amodei and Care (by request):

Assembly Bill No. 59—AN ACT relating to public health; requiring certain medical facilities to report hospital-acquired infections as sentinel events to the Health Division of the Department of Human Resources; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 60—AN ACT relating to education; expanding the personnel of a school district who are eligible for certain retirement credit; authorizing certain teachers to receive a stipend in lieu of the purchase of retirement credit; requiring the Department of Education to make an allocation from the State Distributive School Account to purchase one-fifth of a year of service or to provide a stipend to certain educational personnel, to provide signing bonuses to newly hired teachers and to provide stipends to certain educational personnel; requiring the board of trustees of each school district to review the years of experience of each principal in the district; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 61—AN ACT relating to taxes; exempting from the imposition of the governmental services tax vehicles owned by the governing body of an Indian reservation or Indian colony under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 62—AN ACT relating to the Department of Motor Vehicles; authorizing the Department to issue drivers' licenses, instruction permits and identification cards to certain persons affiliated with the University and Community College System of Nevada; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Leslie, Buckley, Giunchigliani, Parks, Anderson, McClain, and Ocegüera:

Assembly Bill No. 63—AN ACT relating to insurance; prohibiting certain health insurers from denying a claim solely because the claim involves an insured who was injured while intoxicated or under the influence of a controlled substance; prohibiting certain health insurers from cancelling or refusing to issue a policy or contract of health insurance solely because an insured or applicant has made such a claim; repealing a section in the Uniform Health Policy Provision Law which allows certain health insurers to deny claims involving losses sustained by an insured while intoxicated or under the influence of a narcotic; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Carpenter, Goicoechea, Marvel, Grady, Hettrick, Claborn, and Sherer; Senators Rhoads and McGinness:

Assembly Bill No. 64—AN ACT relating to ethics in government; exempting a person elected as a supervisor of a conservation district from the requirement of filing a statement of financial disclosure with the Secretary of State; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:23 a.m.

#### ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Carpenter withdrew the motion that Assembly Bill No. 64 be referred to the Committee on Government Affairs.

Assemblyman Carpenter moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Pierce, Leslie, Parks, Giunchigliani, Conklin, Anderson, Arberry, Atkinson, Buckley, Gerhardt, Kirkpatrick, Koivisto, McClain, Ocegüera, Ohrenschall, Parnell, Perkins and Smith; Senator Titus:

Assembly Bill No. 65—AN ACT relating to programs for recycling; requiring the State Environmental Commission to adopt regulations prohibiting the disposal of electronic waste at a municipal solid waste landfill or other disposal site; requiring the Commission to adopt regulations establishing a program for the recycling of such waste; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Conklin, Giunchigliani, Pierce, Leslie, Parks, Atkinson, Buckley, Claborn, Denis, Gerhardt, Horne, Manendo, Ocegüera, Parnell, and Perkins; Senators Carlton and Titus:

Assembly Bill No. 66—AN ACT relating to the State Board of Pharmacy; requiring a wholesaler or manufacturer to report to the Board certain gifts or other economic benefits provided by the wholesaler or manufacturer to practitioners, registered pharmacists or administrators of health care facilities or plans; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 19.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 40.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:34 a.m.

#### ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 2.

Resolution read.

Remarks by Assemblymen Buckley, Angle, Carpenter, Giunchigliani, and Anderson.

Conflict of interest declared by Assemblywoman Angle.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I think the Minority Leader of the Senate said it pretty well yesterday. Over the years we see a lot of resolutions, and I don't think any, with the exception of Yucca Mountain, is as important with regard to the federal government and states' rights as this one. Recently, the President, in an attempt to reduce the soaring federal deficit, has recommended in his budget that money generated by federal land sales in Clark County be funded to the national treasury. Specifically, the proposal is to siphon off 70 percent of our lands sale revenue, or some \$700 million a year, to pay for the staggering \$527 billion deficit.

Since the Southern Nevada Public Land Management Act was adopted in 1998, land sales in southern Nevada have generated approximately \$1.6 billion. That is much higher than anyone ever anticipated. Five percent goes to our schools, ten percent for water infrastructure, and 85 percent for environmental restoration, parks and recreation projects, and sensitive land acquisition throughout the state, including 300 million dollars specifically for Lake Tahoe, one of Nevada's treasures.

Now Washington wants to take it away from us. If the Bush budget is adopted, it will be devastating for Nevada. Projects like the Clark County Shooting Range, the Spring Mountains Information Center, improvements at Lake Mead and Red Rock, our treasure in southern Nevada, and the purchase of 770 acres of Incline Lake property east of Lake Tahoe, among others, will be jeopardized.

Not long ago, Interior Secretary Gale Norton came to Nevada and praised our program and how it was working: the idea of taking money and earmarking it for special programs and uses, and the way it was operating here. She didn't mention, however, that the President was so impressed by our program that he planned to take all of our money away.

Mark my words, they will come after Clark County next. Next time it will be Lincoln County and northern Nevada land sales as well. Nevada has done enough. We already receive much less in federal funding than we contribute in taxes. We only get about 70 cents on the dollar returned to Nevada.

Furthermore, the federal government owns about 86 percent of land in our state, more than any other state in the continental U.S. This is land that cannot be developed and remains outside our tax rolls, which is a terrible deterrent to economic development and us controlling the destiny of our state.

Nevadans are proud Americans. We want to do our share. We pay our taxes. We play by the rules. We work hard. We support lowering the federal deficit, but don't do it at the expense of Nevada. Enough is enough. The money from the sale of land in Nevada should stay in Nevada to preserve our Nevada treasures, to build our infrastructure, and to educate our children. Nevada deserves no less. I urge your support of this resolution.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. As you know, I am an advocate for the Constitution, a strong supporter of the Tenth Amendment, state sovereignty, and state rights, but I have a conflict of interest and I will not be able to vote on this bill.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. To me this is a pretty simple issue. The money that comes from the sale of lands in Nevada ought to stay in Nevada. So I support this resolution.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I guess my colleague from Elko took what I was going to say. What goes in Nevada stays in Nevada, but that wasn't really what I was going to say. I think the Majority Leader summed it up. Our lands are 84 percent already owned by the federal government. We have tried years and years and years to come up with some creative ways to get the government out of our business. Luckily, Senators Ensign and Bryan, at that time, actually wrote the Public Lands Act bill, which gave us some dollars back for our public. It is time that we pass this resolution, saying, "stop trying to raid our coffers." We are spending millions of our own taxpayer dollars to fight them on Yucca Mountain, for example. Every time we turn around it is the federal government trying to take money out of our pockets. It is time for them to live within their own means and not come to Nevada for our dollars. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I guess it would be nice to indeed just say we all have that kind of conflict. I rise in support of this resolution. None of us likes to remind the federal government the uniqueness of Nevada and Nevada land. Because of when we became a state, we are one of the few states in the United States that has such an onerous ownership of public lands. It detracts from everything we do. The availability of land makes us one of the highest metropolitan states in the United States. We don't think of us as a metropolitan area, and yet that is the reality of life because we are hemmed in by the national government in terms of what our rights and the rights of the citizens of this state are. So, clearly, this resolution only reaffirms us to an equal position with the other 49 states, and it would be negligent of our obligations not to support this resolution. Thank you, Mr. Speaker.

Roll call on Senate Joint Resolution No. 2:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 67—AN ACT relating to taxation; authorizing the Department of Taxation to suspend or revoke a business license under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 68—AN ACT relating to taxation; authorizing the Department of Taxation to refuse to issue or renew certain licenses or permits if the applicant for the license or permit is liable to the Department for the payment of money; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Michael D. Grandon.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Cash A. Minor.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Maury Astley.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to David Grenz, George Pomeroy, and Amy Lee.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Nichols.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Rianna Durrett.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Marius Nintas.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Adams.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Mann.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 17, 2005 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE  
*Chief Clerk of the Assembly*