

**THE SIXTY-FIFTH DAY**

---

CARSON CITY (Tuesday), April 12, 2005

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

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Kochsmeier.

We praise You for this new day. We thank You for the place we live, for the State of Nevada in which You have placed us. We thank You for the opportunity to serve.

Grant these Senators clear minds. There is so much vying for their attention. There are so many who would seek to press agendas upon them. Free these, Your servants, to hear Your voice today. Grant them Your peace. Fill them with the wisdom to do Your will. Encourage them, Lord God. Let them find joy and satisfaction in doing their work well. Teach them to seek You and rely upon You.

Thank You for being available in the power of Your Holy Spirit in this day and every day. We pray with gratitude for Your constant faithfulness.

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 were referred Senate Bill No. 297; Senate Joint Resolution No. 13, 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 Judiciary, to which were referred Senate Bills Nos. 445, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was rereferred Senate Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 177, 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

*Madam President:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Senate Bill No. 16, 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 Natural Resources, to which was referred Senate Concurrent Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DEAN A. RHOADS, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 390, 455, 487.

GARY GHIGGERI  
*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Senate Bill No. 137 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Amodei.

Motion carried.

Senator Amodei moved that Senate Bill No. 75 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Amodei.

Motion carried.

Senator Washington moved that Senate Bill No. 367 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Remarks by Senator Washington.

Motion carried.

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.

Remarks by Senator Raggio.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 505—AN ACT making an appropriation to the Office of Veterans' Services for establishment of an outreach program for Nevada's women veterans; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 205.

Amend sec. 2, page 3, line 6, by deleting "The" and inserting: "~~The~~

1. *Except as otherwise provided in subsection 2, the*".

Amend sec. 2, page 3, line 9, by deleting "~~\$500~~ \$1,000" and inserting "\$500".

Amend sec. 2, page 3, between lines 9 and 10, by inserting:

"2. *The governing body of an incorporated city may by ordinance provide that a violation of an ordinance adopted by the governing body pursuant to NRS 268.4122 by the owner of commercial property imposes a civil liability to the city in an amount not to exceed \$1,000 instead of a criminal sanction.*"

Amend sec. 3, page 3, between lines 40 and 41, by inserting:

"(e) *If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.*"

Amend the title of the bill by deleting the eighth line and inserting: "as a civil penalty for a violation of certain city ordinances; requiring that if a county board of health, city board of health or district board of health has adopted a definition of garbage, that certain ordinances adopted by the governing body of an incorporated city use that definition;"

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 139.

Bill read second time.

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

Amendment No. 99.

Amend section 1, page 2, by deleting line 1 and inserting: "Attorney General and the ~~State Controller,~~ *chairman of the*".

Amend section 1, page 2, line 4, by deleting "three" and inserting "~~three~~ four".

Amend section 1, page 2, by deleting lines 8 through 19 and inserting:

"2. The Governor shall appoint as members of the Board ~~three~~ :

(a) *The chairman of the regional transportation commission of a county whose population is less than 100,000. Successive appointments pursuant to this paragraph must be made on the basis of a strict rotation among the various eligible counties which have a regional transportation commission.*

(b) *Three persons who are residents of Nevada ~~[informed on and interested]~~ with knowledge of and experience in the construction and maintenance of highways and other matters relating to transportation. Two of the members so appointed must reside in a county whose population is*

400,000 or more. One of the members so appointed must reside in a county whose population is 100,000 or more but less than 400,000. Each of the three members so appointed must ~~reside in a different highway district and~~ possess at least one of the following qualifications:

~~(a)~~ (1) Knowledge of engineering evidenced by the possession of a bachelor of science degree in civil or structural engineering and licensure in this State as a professional engineer.

~~(b)~~ (2) Demonstrated expertise in ~~financial matters and business administration.~~

~~(c)~~ *transportation safety, planning or design.*

(3) Demonstrated expertise in the business of construction".

Amend section 1, page 2, by deleting lines 33 and 34 and inserting:

"5. ~~After the initial terms, the appointed~~ *The members of the Board appointed by the Governor shall serve terms of 4 years. The members appointed pursuant to paragraph (b) of subsection 2 are eligible to be reappointed not more than once.*"

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Raggio.

Senator Raggio moved that Senate Bill No. 139 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Raggio.

Motion carried.

Senate Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 204.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting:

"349.986 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada ~~in the face amount of not more than \$90,000,000~~ to support the purposes of the program ~~established by NRS 349.981. The aggregate principal amount of such bonds outstanding at any one time may not exceed \$125,000,000.~~

2. The net proceeds from the sale of the bonds must be deposited in the Fund.

3. The bonds must be redeemed through the".

Amend the title of the bill by deleting the first through third lines and inserting:

"AN ACT relating to state obligations; revising the provisions governing the issuance of general obligation bonds of the State of Nevada to provide grants to publicly owned".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing issuance of general obligation bonds of State of Nevada to provide grants to certain water systems. (BDR 30-914)".

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

Senate Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 203.

Amend section 1, page 2, line 3, by deleting "*including*" and inserting "*except*".

Amend section 1, page 2, by deleting lines 5 through 19 and inserting: "*foreclosure of mechanics' liens*".

Amend section 1, page 2, line 20, by deleting "5." and inserting "4".

Amend section 1, page 2, by deleting line 25 and inserting:

"(b) *Delivered to the*".

Amend the title of the bill by deleting the sixth through eighth lines and inserting: "*foreclosure of such a lien; and providing other*".

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 413.

Bill read second time and ordered to third reading.

Senate Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 202.

Amend section 1, page 3, line 12, by deleting "6" and inserting "12".

Amend section 1, page 3, lines 14 and 15, by deleting: "~~any 12-month~~ that 6-month" and inserting "any 12-month".

Amend section 1, page 3, line 18, by deleting: "~~any 12-month~~ that 6-month" and inserting "any 12-month".

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Senate Bill No. 32 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Washington.

Motion carried.

Senator Titus moved that Senate Bill No. 251 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Titus.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 60.

Bill read third time.

Remarks by Senator Carlton.

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

It is noticeable that this bill has 20 signatures on it, but mine is not included. I support the idea of teaching teens to drive safely. There has been many a night when I have sat on the couch waiting for my 19- and 20-year-old children to return safely from an evening out. I understand the sponsor of the bill wanting to protect our teenagers on the road. I just do not feel this bill goes far enough. There needs to be a drivers' education component in this bill.

When we learned to drive in high school during summer school, the coach of the basketball or football team was in the car with us with that special brake pedal on the other side. If you made a mistake, he pushed that brake pedal, and that is how we learned to drive. Now, we are teaching them to drive over the Internet and through books. Driving is something you learn by doing. Hopefully, you become better at it each day.

There is a bill in the Assembly that I did put my name on. It addresses the component I mentioned. For those reasons, I cannot totally support this bill.

Roll call on Senate Bill No. 60:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 60 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 90.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 90:

YEAS—21.

NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 129.

Bill read third time.

Remarks by Senators Carlton and Care.

Roll call on Senate Bill No. 129:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 129 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 175.

Bill read third time.

Remarks by Senators Nolan, Titus, Beers and Washington.

Roll call on Senate Bill No. 175:

YEAS—21.

NAYS—None.

Senate Bill No. 175 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 12, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 16.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 16—Designating April 12, 2005, as Homeless Youth Awareness Day in Nevada.

WHEREAS, Thousands of children in this State are reported as runaways each year and often join the homeless population on the streets; and

WHEREAS, Many of these runaway children prefer to chance the dangers of life on the street to remaining in their homes where they often experience abuse, violence and other dysfunction; and

WHEREAS, Although the "Right to Shelter Law," which provided for separate shelters for certain runaway children was passed by the Nevada Legislature in 2001, there are no long-term residential facilities which allow children to seek assistance on a voluntary basis in this State; and

WHEREAS, There is a lack of available statistics concerning the number of homeless children that reside in this State and their need for such long-term residential facilities and other services; and

WHEREAS, Children who are homeless are unable to support themselves financially, causing them to become desperate, hungry and vulnerable; and

WHEREAS, Homeless children often become sexually active, are at risk of becoming pregnant, engaging in prostitution and contracting sexually transmitted diseases, suffer from poor nutrition and dehydration, become suicidal and suffer various other harms which affect their overall health, well-being and ability to become productive members of society; and

WHEREAS, To properly address the needs of this often forgotten population, it is important to raise public awareness of the serious issues concerning homeless children in this State and to encourage public support for programs designed to assist those children; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the state and local governmental agencies and nonprofit entities dedicated to fighting the problem of homeless children in the State of Nevada; now, therefore be it

RESOLVED, BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 12, 2005, is hereby designated as Homeless Youth Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 73rd Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homelessness of children in Nevada and to continue to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Michael Hillerby, Chief of Staff to Governor Kenny C. Guinn and to the Board of Directors of the Nevada Partnership for Homeless Youth.

Senator Heck moved the adoption of the resolution.

Remarks by Senator Heck.

Senator Heck requested that his remarks be entered in the Journal.

Homelessness is an ever present and growing problem around our State. It is especially heart wrenching when it affects our youth. Without a safe and secure environment, our homeless youth are prone to fall victim to the social ills that plague our society. We are fortunate to have two organizations in Nevada, Partnership for Homeless Youth in southern Nevada which was cofounded by our colleague in the Assembly, Mr. Conklin, and the Children's Cabinet in northern Nevada that are dedicated to raising the awareness and combating the problems associated with homeless youth in our State. I appreciate your support of this resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:47 a.m.

#### SENATE IN SESSION

At 11:49 a.m.

President Hunt presiding.

Quorum present.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 205.

Bill read third time.

Remarks by Senators Washington, Mathews and Beers.

Roll call on Senate Bill No. 205:

YEAS—21.

NAYS—None.

Senate Bill No. 205 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 235.

Bill read third time.



Roll call on Senate Bill No. 235:

YEAS—21.

NAYS—None.

Senate Bill No. 235 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 261.

Bill read third time.

Roll call on Senate Bill No. 261:

YEAS—21.

NAYS—None.

Senate Bill No. 261 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 303.

Bill read third time.

Roll call on Senate Bill No. 303:

YEAS—21.

NAYS—None.

Senate Bill No. 303 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 328.

Bill read third time.

Senator Carlton disclosed that this bill would apply to her family but not any differently than it would to anyone else.

Roll call on Senate Bill No. 328:

YEAS—21.

NAYS—None.

Senate Bill No. 328 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 401.

Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—21.

NAYS—None.

Senate Bill No. 401 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 496.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 496:

YEAS—21.

NAYS—None.

Senate Bill No. 496 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 12.

Resolution read third time.

Roll call on Senate Joint Resolution No. 12:

YEAS—21.

NAYS—None.

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

Resolution ordered transmitted to the Assembly.

Senate Bill No. 137.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 68.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 176A.210 is hereby amended to read as follows:

176A.210 ~~{Before a person may be}~~ *Upon entry of an order of probation by the court, a person:*

1. *Shall be deemed* accepted for probation ~~{, he must}~~ *for all purposes; and*

2. *Shall* submit to the Division for filing with the clerk of the court of competent jurisdiction a signed document stating that:

~~{1-}~~ (a) He will comply with the conditions which have been imposed by the court and are stated in the document; and

~~{2-}~~ (b) If he fails to comply with the conditions imposed by the court and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings."

Amend the title of the bill, seventh line, after "Division;" by inserting: "providing that upon entry of an order of probation a person is deemed accepted for probation and must submit a signed document concerning the conditions of his probation to the Division;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes to provisions relating to Division of Parole and Probation of Department of Public Safety. (BDR 14-757)".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 75.

Bill read third time.

Remarks by Senator McGinness.

Roll call on Senate Bill No. 75:

YEAS—16.

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

Senate Bill No. 75 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Cassandra Anne Reed.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Kathleen Boutin.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Kathleen Sandoval.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Joey Meugniot.

Senator Raggio moved that the Senate adjourn until Wednesday, April 13, 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*