

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

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## ASSEMBLY DAILY JOURNAL

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### THE THIRTY-FIRST DAY

CARSON CITY Wednesday, March 9, 2005

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Angle, Hardy, and Mortenson, who were excused.

Prayer by the Chaplain, Father Jeff Paul.

O Lord, our Governor, bless the leaders of this land, that we may be a people at peace and a blessing to other nations. To the members of the Assembly gathered here give courage, wisdom, and foresight to provide for the needs of all our people, and to fulfill our obligations in the community of nations. Teach us to rely on Your strength and to accept our responsibilities to all citizens, that we may serve You faithfully in our generation; in Your name we pray.

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 Transportation, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, Tuesday, March 8, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 85, 121.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Leslie, Smith, McClain, Giunchigliani, Pierce, Atkinson, Gerhardt, Manendo, Oceguera, and Parks:

Assembly Bill No. 183—AN ACT relating to nursing; prohibiting medical facilities from retaliating or discriminating unfairly against registered nurses, licensed practical nurses and nursing assistants for refusing to provide nursing services under certain circumstances; providing that nurses subjected to such retaliation or discrimination are entitled to recover certain damages; 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 Gerhardt, Smith, Horne, Denis, Ohrenschall, Allen, Arberry, Atkinson, Buckley, Claborn, Conklin, Giunchigliani, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Munford, Oceguera, Parks, Parnell, Perkins, Pierce, Sherer, and Weber:

Assembly Bill No. 184—AN ACT relating to education; requiring the Department of Education to prescribe a form for a parental involvement compact between schools and parents or legal guardians of pupils; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gansert, Hettrick, McCleary, Atkinson, Carpenter, Christensen, Goicoechea, Grady, Hardy, Holcomb, Mabey, Marvel, Sherer, and Sibley; Senator Beers:

Assembly Bill No. 185—AN ACT relating to elections; limiting initiative petitions to one subject; requiring an initiative petition to include a description of the effect of the initiative; requiring a signed acknowledgment of a registered voter to be included with a petition as a condition to counting the signature; requiring the description of an initiative to be approved by the Secretary of State before the petition is presented for signatures; requiring the Attorney General to review the description of an initiative that is rejected by the Secretary of State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 186—AN ACT relating to industrial insurance; directing the Legislative Commission to appoint a committee to study the manner in which regular increases in compensation may be provided to certain claimants and dependents of claimants who are entitled to receive

compensation for a permanent total disability under industrial insurance; providing for a one-time payment of compensation to those claimants and dependents; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to impose an assessment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 187—AN ACT relating to land use planning; authorizing the governing body of a local government to revise the procedure for the adoption of certain minor amendments to the applicable master plan; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 188—AN ACT relating to public records; setting forth that certain electronic mail addresses provided to a governmental entity are confidential and not subject to disclosure or public inspection; providing certain exceptions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 189—AN ACT relating to the Nevada Equal Rights Commission; making various changes concerning the duties and authority of the Commission to receive, investigate, process, settle and otherwise remedy complaints of discrimination in employment, housing and public accommodation; providing that a person injured by an unlawful employment practice must, if the complaint is based on discrimination, obtain a notice of right to sue before seeking relief in a court of law; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Perkins, Conklin, Horne, Atkinson, Buckley, Gerhardt, Giunchigliani, Grady, Hettrick, Kirkpatrick, Leslie, Ocegüera, Parks, Pierce, Sherer, and Sibley; Senators Carlton, Coffin, and Heck:

Assembly Bill No. 190—AN ACT relating to crimes; prohibiting a person from entering upon certain property with the intent to surreptitiously conceal himself and peer, peep or spy through an opening in a building or other

structure used as a dwelling; exempting law enforcement officers conducting criminal investigations or surveillance from the prohibition; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 85.

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

Motion carried.

Senate Bill No. 121.

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

Motion carried.

#### COMMUNICATIONS

UNITED STATES SENATE  
WASHINGTON, D.C. 20510-2805

March 8, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, 401 South Carson Street,  
Legislative Building, Carson City, Nevada 89701-4747

DEAR ASSEMBLYMAN PERKINS:

This letter serves as a formal request to address a joint session of the Nevada Legislature on Tuesday, March 22, 2005, at 5 p.m. in the Assembly Chambers. Should you have any questions or concerns, please feel free to have your office contact my northern Nevada director, Verita Black Prothro, at 686-5770. Thank you.

Sincerely,  
JOHN ENSIGN  
*United States Senator*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, Wednesday, March 9, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 9—Congratulating Dr. Donald K. Grayson for being selected as the recipient of the Nevada Medal given by the Desert Research Institute.

WHEREAS, Contributions to the sciences of archaeology, paleoecology and biogeography, and studies of the natural prehistory of the Great Basin, are of great importance to the residents of the State of Nevada; and

WHEREAS, The recipient of the 2005 Nevada Medal is Dr. Donald K. Grayson, a well-respected scientist who is known for his continued investigation of how the mammalian fossil record from archaeological and late Quaternary paleontological sites can contribute to effective scientific study of the long-term effects of climate change on species distributions and ecological

associations, and how these historical insights contribute to effective management of biodiversity preserves; and

WHEREAS, Dr. Grayson is best known for his innovative research showing that climate change, and not “overkill by early human hunters,” led to the demise of large mammals like the woolly mammoth in North America some 10,000 years ago; and

WHEREAS, His extremely popular book, *The Desert’s Past: A Natural Prehistory of the Great Basin*, published by the Smithsonian Institution Press, explains how the modern Great Basin has come to be; and

WHEREAS, Other contributions include Dr. Grayson’s masterful study of the Donner Party who were stranded in the Sierra Nevada during the winter of 1846 on an ill-fated journey to California, which confirmed that biological predictors of mortality could accurately determine who would live and who would die, shedding new light on the importance of family ties in human societies; and

WHEREAS, Dr. Grayson’s research is driven more by questions than by time periods or geography, and the bulk of his work has involved the latest Pleistocene and Holocene of the Great Basin and Pleistocene southwestern France, all areas where he plans to continue working in the future; and

WHEREAS, Dr. Grayson joined the Department of Anthropology at the University of Washington 30 years ago, where he remains a Professor of Anthropology, Adjunct Professor at the Quaternary Research Center and Adjunct Curator of Environmental Archaeology at the Burke Museum of Natural History and Culture; and

WHEREAS, Dr. Grayson’s most important contribution not mentioned above is the large number of successful graduate students he has supported over the years; and

WHEREAS, The greater and longer-lasting measure of Dr. Grayson’s success is measured in the productivity of his students; and

WHEREAS, The Nevada Medal is an honor conferred by the Desert Research Institute of the University and Community College System of Nevada and sponsored by SBC Communications Inc. in recognition of outstanding achievement in science and engineering; and

WHEREAS, Dr. Grayson’s continued contributions toward understanding the interrelationships between people and the biotic landscapes with which they interact have been recognized and, as such, he is being honored this year as the recipient of the Nevada Medal; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby congratulate Dr. Donald K. Grayson for being named the recipient of the 2005 Nevada Medal given by the Desert Research Institute; and be it further

RESOLVED, That SBC Communications Inc. is hereby commended for its continued sponsorship of the Nevada Medal, which offers well-deserved recognition to persons who have demonstrated outstanding scientific, engineering and technical achievements; and be it further

RESOLVED, That the residents of the State of Nevada will long be grateful to Dr. Grayson for his contributions to the sciences of archaeology, paleoecology and biogeography, and in particular consideration of his long-term studies of the natural prehistory of the Great Basin; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dr. Donald K. Grayson, the Desert Research Institute of the University and Community College System of Nevada and SBC Communications Inc.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblyman Parks.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 22.

Bill read second time.

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

Amendment No. 29.

Amend section 1, page 2, line 24, by deleting “Sell,” and inserting: “Make recommendations to the governing body of the city to sell,”.

Amend the title of the bill, second line, after “to” by inserting: “make recommendations to the governing body of the city to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes appointed trustees of city library to make recommendations to governing body of city to sell, exchange, transfer, assign or otherwise dispose of real or personal property of library. (BDR 33-509)”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 28.

Bill read second time.

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

Amendment No. 16.

Amend section 1, page 2, line 2, before “The” by inserting “1.”.

Amend section 1, page 2, line 4, by deleting “1.” and inserting “[1.] (a)”.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

[2.] (b) Shall administer the provisions of law set forth in [subsection 4,] paragraph (d), subject to the administrative supervision of the Director.

[3.] (c) Except as otherwise provided in NRS 284.143, shall devote”.

Amend section 1, page 2, line 13, by deleting “4.” and inserting “[4.] (d)”.

Amend section 1, page 2, by deleting lines 20 and 21 and inserting: “provided by specific statute.

5.] (e) Is responsible for the preparation of a consolidated state plan”.

Amend section 1, page 2, by deleting lines 29 through 34 and inserting:

“[6.] (f) In developing and revising state plans pursuant to [subsection 5,] paragraph (e), shall consider, without limitation:

[(a)] (1) The amount of money available from the Federal Government for the programs of the Rehabilitation Division;

[(b)] (2) The conditions attached to the acceptance of that money; and

[(c)] (3) The limitations of legislative appropriations for the”.

Amend section 1, page 2, line 36, by deleting “7.” and inserting “[7.] (g)”.

Amend section 1, page 2, line 39, by deleting “8.” and inserting “(h)”.

Amend section 1, page 3, line 1, by deleting “9.” and inserting “(i)”.

Amend section 1, page 3, line 7, by deleting “10.” and inserting “(j)”.

Amend section 1, page 3, between lines 12 and 13, by inserting:

“2. The Rehabilitation Division shall serve as the designated state unit with respect to state programs for independent living established pursuant to

29 U.S.C. §§ 796 et seq. As used in this subsection, “designated state unit” has the meaning ascribed to it in 34 C.F.R. § 364.4.”.

Amend the bill as a whole by renumbering sections 6 through 15 as sections 7 through 16 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. NRS 426.235 is hereby amended to read as follows:

426.235 The Office of Disability Services is hereby created within the Department. The Office shall:

1. Provide access to information about services or programs for persons with disabilities that are available in this State.

2. Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(a) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(b) Making recommendations concerning new policies or services that may benefit persons with disabilities.

3. Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

4. Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Office shall:

(a) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Office to each of the local governmental agencies that provides services or programs to persons with disabilities;

(b) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(c) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

5. Administer the following programs in this State that provide services for persons with disabilities:

(a) The program established pursuant to NRS 426.265, 426.275 and 426.285 to provide financial assistance to persons with physical disabilities;

(b) The programs established pursuant to chapter 426A of NRS to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(c) The program established pursuant to NRS 426.295 to provide devices for telecommunication to deaf persons and persons with impaired speech or hearing;

(d) Any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.;

(e) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq. [;] , with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4; and

(f) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

6. Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

7. Ensure that state and local governmental agencies comply with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

8. Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(a) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(b) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

9. Publish a biennial report which:

(a) Reviews the current and projected capacity of:

(1) Services available to persons with disabilities pursuant to the State Plan for Medicaid;

(2) Waivers to the State Plan for Medicaid for the provision of home and community-based services in this State;

(3) Services available to persons with disabilities from counties and other local governmental entities in this State; and

(4) Any other services available to persons with disabilities from any governmental or nonprofit agency;

(b) Identifies the costs of existing and new services in the community for persons with disabilities;



(c) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(d) Recommends plans to provide services or programs for persons with disabilities by using the data from any waiting lists of persons seeking such services or programs;

(e) Reports the outcomes of persons with disabilities who have received services for persons with disabilities in this State; and

(f) Reports the progress of the Office in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001.

10. Provide on or before January 15 of each year a report to the Governor and on or before January 15 of each odd-numbered year a report to the Legislature, including, without limitation:

(a) A summary of the activities of the Office for the preceding fiscal year or 2 preceding fiscal years, if the report is provided to the Legislature;

(b) Documentation of significant problems affecting persons with disabilities when accessing public services, if the Office is aware of any such problems;

(c) A summary and analysis of the trends in the systems of care and services available for persons with disabilities; and

(d) Recommendations for improving the ability of the State of Nevada to provide services to persons with disabilities and advocate for the rights of persons with disabilities.”

Amend the title of the bill, seventh line, after “Division;” by inserting: “clarifying that the Division is the designated state unit for certain state programs for independent living established pursuant to federal law;”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Munford, Sherer, Allen, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gerhardt, Hogan, Holcomb, Kirkpatrick, Koivisto, McCleary, Mortenson, Ocegueda, Ohrenschall, Parks and Sibley:

Assembly Bill No. 191—AN ACT relating to elections; revising the distance from a voting area, polling place or city clerk's office within which electioneering is prohibited; and providing other matters properly relating thereto.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mealoha Bacon, Andrea Brown, Shelby Cox, Karlee Day, Myranda Eaton (Keely), Alex Eekhoff, Brianna Finnis, Tina Fleisch, Amber Giese, Kissea Glazer, Lindsay Harrington, Marissa Jacky, Kimberly Lafferty, Jordan Marchado, Eric McAuliffe, William McClenathan, Chaz Murphy, Jose Partida, Rebecca Parton, Crystal Peredia, Dakotah Ramirez, Jose Reyes Romero, Amanda Romine, David Snyder, Kevin Thomas, Scott Walsh, Jonathan Wheeler, Andrea Yarhi, Jacquelyn Frayna, Matthew Gold, Terri Brown, Maria Yarhi, Diane Lipon, Lisa Suedieck, Jessica Bailey, Liz Benesch, Elvis Brewer, Logan Bright, Frank Camacho, Nick Clark, Carlos Cordero Perez, Hannah Davis, Amanda Frohlich, Cathy Gardner, Michael Gomez, Karley Holz, Michael Lafferty, Alexis Lastfogel, Wanda Le Grange, Chelsey Luksa, Liz Malotte, Amber Nelson, Emilee Nicora, Ashley Olseen, Chris Price, Vanessa Rodriguez, Genesis Ruiz, J.D. Salem, Alyson Saunders, Evelyn Vazquez, Elyse Virden, Lorna Hornbuckle, Kelly Davis, Elaine Clark, Joyce Sargent, April Virden, Wendy Nicora, Kris Jackson, Rick Gardner, and Janina Benesch.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Rees and Marjorie Skinner.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Knisley and Christine Milburn.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Gerry Conley and Gene Brochman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Judi Benvenuto, Chris Maples, Kelley Price, and David Fulstone.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Samano.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Donald Grayson.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Miller and Christine Roberto.

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

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 10, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:45 a.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

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

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