

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), March 1, 2005

Senate called to order at 11 a.m.

President Hunt presiding.

Roll called.

All present except Senator Washington, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Gracious Lord, our mighty, heavenly Father, Your word declares, "Behold, I stand at the door and knock: if anyone hears My voice and opens the door, I will come in to him and sup with him and he with Me." (Revelation 3:20) Lord, God, we know that You intervened in the affairs of men by invitation, so this day we ask of You that it would please You to intervene over all the affairs in this Chamber. Bestow upon these Your divine wisdom in all decisions that will be made.

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 Commerce and Labor, to which was referred Senate Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 28, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 61.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 87.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 4.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio and Townsend.

Senator Townsend requested that the following remarks be entered in the Journal.

SENATOR RAGGIO:

This is the resolution we have passed each session that recognizes the service of our legislative staff. This resolution allows us to grant the administrative leave they accumulate

during the session. I urge everyone to support this, for not only is this a tradition it is a necessity if we are going to continue to recruit and retain the quality of staff who serve during these lengthy and complex sessions.

SENATOR TOWNSEND:

I, too, urge my colleagues to support this resolution. It is important and is especially obvious to those of us who have served here for more than one term, that we appreciate the excellence achieved by every level of staff within the Legislative Counsel Bureau. Without all of you, there is no way we could provide to our constituents the level of service we provide. We thank the Legislative Counsel Bureau, and its entire staff for the work that they do.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Mathews:

Senate Bill No. 145—AN ACT relating to the Public Employees' Retirement System; providing that any police officer or firefighter who has at least 5 years of service and suffers a catastrophic injury in the course of employment may receive a disability retirement allowance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 146—AN ACT relating to subsurface installations; requiring an operator of a subsurface installation to install under certain circumstances a permanent device which designates or provides a means of detecting the subsurface installation; eliminating the requirement that an operator who marks the location of a subsurface installation mark the location of fiber optic communication lines; providing penalties; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 147—AN ACT relating to state obligations; increasing the amount of general obligation bonds that the State Board of Finance is required to issue to provide grants to publicly owned water systems for capital improvements and certain other purposes; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Lee:

Senate Bill No. 148—AN ACT relating to the Charter of the City of North Las Vegas; increasing the number of members on the City Council; requiring the City Council to divide the City into six wards; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Lee:

Senate Bill No. 149—AN ACT relating to the University and Community College System of Nevada; providing for a salary for members of the Board of Regents of the University of Nevada for attending meetings; and providing other matters properly relating thereto.

Senator Lee moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 150—AN ACT relating to public personnel; prohibiting a false or fraudulent complaint against a public officer or employee; providing a penalty; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Beers, Cegavske, Amodei, Hardy, Lee, McGinness, Tiffany, Washington; Assemblymen Giunchigliani, Sherer, Angle, Carpenter, Conklin, Holcomb, Mortenson and Munford:

Senate Bill No. 151—AN ACT relating to motorcycles; revising the provisions governing the wearing of protective headgear; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 61.

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

Motion carried.

Assembly Bill No. 87.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 14.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 175.061 is hereby amended to read as follows:

175.061 1. The court may direct that not more than ~~four~~ six jurors in addition to the regular jury be called and impaneled to sit as alternate jurors.

The court may designate the jurors who are to sit as alternate jurors either:

(a) *During jury selection, based on the order in which they are called; or*
 (b) *Before the jury retires to deliberate, through a process of random selection in open court.* 2. *If the court designates the jurors who are to sit as alternate jurors in the manner described in paragraph (b) of subsection 1, the court shall not, at any time during jury selection or the trial of the case, make any distinction as to which jurors will ultimately be designated alternate jurors.*

3. Alternate jurors , in the order in which they ~~are~~ were called or randomly selected, shall replace jurors who become unable or disqualified to perform their duties.

~~{2-}~~ 4. Alternate jurors shall:

(a) Be drawn in the same manner;
 (b) Have the same qualifications;
 (c) Be subject to the same examination and challenges;
 (d) Take the same oath; and
 (e) Have the same functions, powers, facilities and privileges, as the regular jurors.

~~{3-}~~ 5. If an alternate juror is required to replace a regular juror after the jury has retired to consider its verdict, the judge shall recall the jury, seat the alternate and resubmit the case to the jury.

~~{4-}~~ 6. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled, ~~and~~ two peremptory challenges if three or four alternate jurors are to be impaneled ~~—The~~ , and three peremptory challenges if five or six alternate jurors are to be impaneled. *If the court designates jurors as alternate jurors pursuant to paragraph (a) of subsection 1, the additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by statute may not be used against an alternate juror."*

Amend sec. 2, page 2, by deleting lines 42 and 43 and inserting: "number of regular jurors and alternate jurors to be selected and the number of".

Amend sec. 2, page 3, by deleting lines 14 through 18 and inserting: "jurors or alternate jurors. *The court may designate the jurors who are to sit as alternate jurors either:*

(a) *During jury selection, based on the order in which they are called; or*
 (b) *Before the jury retires to deliberate, through a process of random selection in open court.*

5. *If the court designates the jurors who are to sit as alternate jurors in the manner described in paragraph (b) of subsection 4, the court shall not, at any time during jury selection or the trial of the case, make any distinction as to which jurors will ultimately be designated alternate jurors.*

6. *Before persons whose names have been drawn are examined".*

Amend sec. 2, page 3, line 29, by deleting "6." and inserting "[6.] 7."

Amend sec. 4, page 4, by deleting lines 20 through 23 and inserting: "perform his duty or a public necessity. Alternate jurors, in the order in which they were *called or randomly* selected, shall replace jurors who".

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. 66.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 12.

Amend section 1, page 2, line 39, after "*location.*" by inserting: "*An insurer may not unreasonably deny a request made by an injured employee pursuant to this subsection to receive vocational rehabilitation services outside of this State.*".

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 Raggio moved that Senate Bills Nos. 12, 59, 87 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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 John Holms.

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

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Karen Dennison.

Senator Raggio moved that the Senate adjourn until Wednesday, March 2, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:21 a.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate