

**THE THIRTY-FIRST DAY**

CARSON CITY (Wednesday), March 9, 2005

Senate called to order at 11:01 a.m.

President Hunt presiding.

Roll called.

All present except Senators Nolan, Schneider and Tiffany, who were excused.

Prayer by the Chaplain, Father Jerry Hanley.

Day by day, dear God, three things we pray: to see You more clearly, to love You more dearly, to follow You more nearly, day by day, today, now, forever. May the God of Abraham, Isaac and Jacob bless us and keep us and shine His face upon us and our works and our people and our sick, day by day.

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. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDOLPH J. TOWNSEND, *Chair*

*Madam President:*

Your Committee on Transportation and Homeland Security, to which were referred Senate Bills Nos. 132, 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 8, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 6, 130, 131, 138.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry Jr., Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson,

Munford, Ocegüera, Ohrenscha, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith and Weber:

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.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio and Titus.

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

SENATOR RAGGIO:

Each regular session, we are privileged to be part of the program honoring a distinguished scientist. During session, the recipient of the Nevada Medal given by the Desert Research Institute of the University of Nevada and Community College system is honored by the Legislature. The medal recipient receives a commendation and the respect of the Legislature.

We are indebted to SBC, the successor to Nevada Bell, who sponsors this prestigious recognition. It is my understanding that this Nevada Medal has been given out for the past 30 years. There have been a number of recipients of the Nevada Medal, and it has been recognized as one of the most prestigious scientific awards in the Nation. Many of those honored have gone on to become recipients of the Nobel Prize in Science, the National Science Institute and other distinguished awards. We are pleased to thank SBC for the continued recognition. With the Nevada Medal comes an honorarium of \$20,000.

Last night, many of us were privileged to attend the Desert Research Institute dinner and listened to a speech given by Dr. Grayson. He discussed his many accomplishments and gave a wonderful slide show on the Neanderthal Man. His research investigates what happened to the Neanderthal Man, but he did not tell us what happened to him.

We are fortunate to have him here, today. He continues the long line of distinguished scientists who have been the recipients of this award. We are privileged to have him and our other guest from the Desert Research Institute here as we pause to honor a very distinguished gentleman, scientist and recipient of this year's Nevada Medal.

SENATOR TITUS:

I, also, was at the Desert Research Institute dinner last night, enjoyed the lecture and would like to congratulate Dr. Grayson for his accomplishments. I can think of no better person to receive this prestigious award. I, too, was hanging on the edge of my seat to find out what happened to the Neanderthal Man. Though we were left hanging, I understand he has been spotted with Elvis in Las Vegas.

Resolution adopted.

Senator Raggio moved that all rules be suspended and that Senate Concurrent Resolution No. 9 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Motion carried.

Senate in recess at 11:23 a.m.

SENATE IN SESSION

At 11:26 a.m.

President Hunt presiding.

Quorum present.

## INTRODUCTION, FIRST READING AND REFERENCE

By Senator Amodei:

Senate Bill No. 168—AN ACT relating to physical therapy; prohibiting a person who is not licensed as a physical therapist or a physical therapist's assistant from owning or controlling a physical therapy practice or sharing in any revenue generated by a physical therapy practice; authorizing the State Board of Physical Therapy Examiners to take disciplinary action against a physical therapist or a physical therapist's assistant who gives or receives money from a person who refers a patient to the therapist or assistant; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 169—AN ACT relating to the tax for infrastructure; authorizing the boards of county commissioners of smaller counties to use money in the infrastructure fund for certain projects, facilities and activities; and providing other matters properly relating thereto.

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

Motion carried.

By Senator McGinness:

Senate Bill No. 170—AN ACT relating to local governmental finances; authorizing certain smaller counties to impose an additional local sales and use tax for certain purposes under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Hardy and Townsend:

Senate Bill No. 171—AN ACT relating to the Public Utilities Commission of Nevada; increasing the number of Commissioners who serve on the Commission; increasing the number of Commissioners who must act on any matter before the Commission; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 172—AN ACT relating to deeds of trust; providing that the sale of real property under a deed of trust must take place at the courthouse of the county where the property, or any part thereof, is located; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 173—AN ACT relating to property; increasing the amount of the homestead exemption; exempting from execution by creditors a greater amount of equity in certain dwellings and a greater value of certain property; exempting from execution by creditors certain money held in a Roth Individual Retirement Account; making various other changes concerning property which is exempt from execution by creditors; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 6.

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

Motion carried.

Assembly Bill No. 130.

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

Motion carried.

Assembly Bill No. 131.

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

Motion carried.

Assembly Bill No. 138.

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

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bills Nos. 46, 71 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bill No. 17.

#### REMARKS FROM THE FLOOR

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

Today, the presentation ceremony is taking place at the United States Capitol in Washington, D.C., for the placement of the Sarah Winnemucca statue to be placed on display in the Rotunda

for the next six months. It will then be moved to its permanent location in the National Statuary Hall. This is the second statue furnished by Nevada, the first being that of Senator Patrick A. McCarran which was placed in the Hall in 1960. A duplicate statue of Sarah Winnemucca will also be placed in Las Vegas and in Carson City.

Sarah Winnemucca, a Paiute Indian, was chosen for this honor with the passage of A.B. No. 267 of the 71st Session. Members of the Nevada Women's History Project requested this remarkable Paiute woman be honored in this manner. She was born in 1844 somewhere near Pyramid Lake and died at the age of 47 from tuberculosis. She was the first American Indian woman to write a book in English and was an activist on behalf of the Paiute Indians. She worked as an interpreter for the U.S. Army and lectured on the East Coast about the plight of the Northern Paiutes. She was an educator and opened a school for Indian children in Lovelock.

"Her national notoriety as a tireless spokeswoman for the Northern Paiute tribe led her many times to Washington, D.C., ... where she even pleaded her cause in front of President Rutherford B. Hayes himself" (Representative Jim Gibbons).

Sarah "... learned 5 languages by the time she was 14. Sarah is remembered in Nevada for her dedication and strength as an author, teacher, translator, negotiator and spokeswoman for her people" (Representative Shelley Berkley).

Sarah "Winnemucca served as a bridge between the white and native cultures. She delivered more than 4,000 speeches on behalf of her people. Although her life was short, she has become a part of Nevada history" (Representative Jon Porter).

House Concurrent Resolution 5 states in part, "The statue of Sarah Winnemucca, furnished by the people of Nevada for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States ... is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Nevada for providing this commemoration of one of Nevada's most eminent personages."

#### 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 Dr. Christopher G. Maples and Ed Epperson.

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to George Harris.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Kim Crandell and Sylvia Samano.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Charlie Myers.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Robin Keith, Dr. Donald K. Grayson and David Fulstone.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Jim Parrish.

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

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and faculty from the Hidden Valley Elementary School: 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, Jacquellyn Frayna, 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, Elysse Virden; chaperones: Terri Brown, Maria Yarhi, Diane Lipon, Lisa Suedieck, Kelly Davis, Elaine Clark, Joyce Sargent, April Virden, Wendy Nicora, Kris Jackson, Rick Gardner, Janina Benesch; teachers: Matthew Gold and Lorna Hornbuckle.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Ed Helfman.

Senator Raggio moved that the Senate adjourn until Thursday, March 10, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:41 a.m.

Approved:

LORRAINE T. HUNT  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*