

THE NINTH DAY

CARSON CITY (Tuesday), February 15, 2005

Senate called to order at 11:02 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Doctor Paul Deterding.

Almighty God, heavenly Father, You sent Your Son, Jesus Christ, to be crucified that we might be forgiven for the evil that clings to us and to be raised from the dead, that we might be justified before You for the life to come and might dwell in Your eternal peace. You have ordained the governing authorities to subdue evil for this life and to promote what is good, that there might be justice in our world and peace for this life. We pray for Your blessing upon this Session of the Nevada State Senate. Grant to its members such character, honor and sense of purpose, that what they do might be a means to justice, security and peace for our State and its citizens. We ask for all these things according to Your will, praying in the Name of the same Jesus Christ, our Lord, who lives and reigns with You and the Holy Spirit, one God, now and forever.

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.

COMMUNICATIONS
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON D.C. 20515

February 10, 2005

THE HONORABLE WILLIAM RAGGIO, *Senate Majority Leader*, State of Nevada Senate,
Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SENATOR RAGGIO:

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

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Human Resources and Education:

Senate Concurrent Resolution No. 3—Designating the second Wednesday in April as "Service Animal Recognition Day" to heighten public awareness of the importance of service animals and service animals in training to

persons with disabilities and to provide opportunities for educating the public on the subject of service animals.

Senator Raggio moved that the resolution be referred to the Committee on Human Resources and Education.

Motion carried.

By Senators Titus, Rhoads, Coffin, Wiener, Amodei, Beers, Care, Carlton, Cegavske, Heck, Horsford, Lee, Mathews, Raggio, Schneider, Tiffany, Washington; Assemblymen Buckley, Mortenson, Ohrenschall, Manendo, Giunchigliani, Allen, Anderson, Arberry Jr., Atkinson, Carpenter, Claborn, Conklin, Denis, Gerhardt, Goicoechea, Grady, Hardy, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, McClain, McCleary, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley and Smith:

Senate Joint Resolution No. 2—Urging the President of the United States to reverse his position on, and alternatively urging Congress to reject, his federal budget proposal to use money derived from the sale of land in Nevada to lower the federal deficit.

Senator Titus moved that all necessary rules be suspended, reading so far had considered first reading, rules further suspended, and that Senate Joint Resolution No. 2 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Senator Titus.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 2.

Resolution read.

Remarks by Senator Titus.

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

During the years I have been in the Legislature, we have sent a number of resolutions back to Washington, D.C., supporting various policies and opposing others that we felt negatively impacted Nevada. Among those, I can think of none, with the exception of those related to Yucca Mountain, more important than the one before us today, which I am pleased to cosponsor with Senator Rhoads.

Recently, in an attempt to reduce the soaring federal deficit, the President recommended in his budget that money generated by federal-land sales in Clark County be funneled to the national treasury. Specifically, the administration proposed siphoning off 70 percent of our land-sale revenue, or some \$700 million a year, to pay down the staggering \$527 billion deficit.

Since the Southern Nevada Public Land Management Act was adopted in 1998, land sales in southern Nevada have generated \$1.6 billion. That is much higher than anyone anticipated when the bill was passed which set aside 5 percent of the receipts for Nevada schools, 10 percent for water infrastructure and 85 percent for environmental restoration, parks and recreation projects, and sensitive land acquisition throughout the State including \$300 million specifically for Lake Tahoe. Now, Washington wants to take it away from us.

If the administration's budget proposal 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 Canyon, and the purchase of 770 acres of Incline Lake property east of Lake Tahoe, among others, will be jeopardized.

Not long ago, Secretary of the Interior Gale Norton visited Nevada and praised our land-sale program as a model that could be used to dispose of federal lands and protect sensitive areas

elsewhere. She did not mention, however, that the President intended to take our money and use it instead to reduce the deficit. Mark my words, if they are going after the Clark County land-sales revenue now, it is only a matter of time before they go after the Lincoln County and Northern Nevada land-sales receipts as well.

Good grief, Mr. President, hasn't Nevada done enough? We already receive much less in federal funding than we contribute in taxes. Our federal spending-to-tax ratio is 70 cents for every tax dollar the federal government collects from Nevada. We get only 70 cents back in the form of federal spending. By comparison, New Mexico receives the most with \$2.37 per \$1 contributed. In fact, Nevada ranks 46th in the Nation overall and 50th when calculated per capita.

Furthermore, the federal government owns 86 percent of our land in the State. More than any other in the lower 48 states. This is land that cannot be developed and remains outside the tax roll which is a terrible deterrent to economic development in rural Nevada.

We helped win the Cold War and, as a result, are home to a national sacrifice zone where atomic weapons were tested in our backyards.

Nevadans are proud Americans. We want to do our share. We pay our taxes. We send our young people to fight. We play by the rules and work hard, but this is just too much.

Enough is enough. The money from the sale of land in Nevada should stay in Nevada preserving Nevada's natural treasures, building Nevada's infrastructure, educating Nevada's children.

Nevadans deserve no less.

I urge your support of this resolution calling on the President to withdraw his proposal and urging our Congressional Delegation to use their power and influence to stop this unconscionable money grab once and for all.

Roll call on Senate Joint Resolution No. 2:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 2 having a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Senate Bill No. 53—AN ACT relating to divisions of land; requiring building officials to review and approve certain certificates pertaining to the subdivision of an existing industrial or commercial building; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Tiffany:

Senate Bill No. 54—AN ACT relating to motor vehicles; revising the provisions relating to the refund provided to a person in certain circumstances upon cancellation of his vehicle registration and surrender of license plates; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Tiffany:

Senate Bill No. 55—AN ACT relating to motor vehicles; authorizing a person who operates or does business as an advertising company to arrange the sale of certain governmental vehicles under certain circumstances without being licensed as a broker or dealer; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Washington:

Senate Bill No. 56—AN ACT relating to education; making various changes concerning the employment practices of charter schools; prescribing the circumstances under which a charter school shall be deemed a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk; revising provisions governing an application to form a charter school and the revocation of the written charter of a charter school; revising the provisions governing apportionments from the State Distributive School Account to charter schools sponsored by the State Board of Education; revising provisions governing programs of distance education; requiring a charter school to pay for an additional administration of achievement and proficiency examinations under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 57—AN ACT relating to legal services; authorizing the William S. Boyd School of Law of the University of Nevada, Las Vegas, to create a Rural Nevada Legal Services Corps to encourage attorneys to practice in legally underserved areas of the State and to establish and administer a program of repayment of loans for such attorneys; creating the Account for Rural Legal Services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 58—AN ACT relating to contractors; prohibiting certain contractors who assist in proving a constructional defect from repairing, causing the repair of or benefiting from the repair of the constructional defect; making a contractor who engages in any such act subject to disciplinary action; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 59—AN ACT relating to professions; increasing the number of members of the State Board of Professional Engineers and Land Surveyors; allowing an applicant for licensure as a professional engineer to take certain licensing examinations before the applicant meets the active experience requirements for licensure; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Cegavske, Raggio, Titus, Nolan, Care, Amodei, Beers, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Rhoads, Schneider, Tiffany, Townsend, Washington and Wiener:

Senate Bill No. 60—AN ACT relating to motor vehicles; making various changes concerning the issuance of drivers' licenses to persons who are 16 or 17 years of age; revising certain restrictions relating to the transportation of passengers who are minors by persons who are 16 or 17 years of age; providing that a parent or legal guardian of a person who commits certain violations with respect to the operation of a motor vehicle is liable to pay the fine or penalties imposed for such a violation and may be required to perform community service if unable to pay the fine or penalties; revising provisions governing automobile driver education in public schools; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 19.

Bill read third time.

Remarks by Senators Rhoads, McGinness and Raggio.

Roll call on Senate Bill No. 19:

YEAS—21.

NAYS—None.

Senate Bill No. 19 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 McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Melissa Cook.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Chuck Rosenbaum.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Marian Williams and Dennis Bono.

Senator Raggio moved that the Senate adjourn until Wednesday, February 16, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:33 a.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate