

THE ELEVENTH DAY

CARSON CITY (Thursday), February 17, 2005

Senate called to order at 11 a.m.

President Hunt presiding.

Roll called.

All present except Senator Horsford, who was excused.

Prayer by the Chaplain, Dr. Paul Deterding.

Almighty God, heavenly Father, You sent Your Son, Jesus Christ, into our world not to be served but to serve and to give his life as a ransom for many. Through the church's ministry in the gospel of Christ, You serve us with redemption, the forgiveness of sins and You equip and empower us to be of service to others. Through Your creative power, You have established government as Your servant to defend what is just, to promote what is good and to subdue evil that there may be peace and justice in our world. We pray for those appointed to serve as members of the Nevada State Senate. We pray that they may carry out the duties of their office remembering that they have been appointed to serve not themselves but others so that their service might be for the good of our State and its citizens. We ask for all these things according to Your will, praying in the name of 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.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 3, 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*

Madam President:

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Judiciary.

MAURICE E. WASHINGTON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 16, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Joint Resolution No. 2.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

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

Anderson, Allen, Arberry Jr., Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Mabey, Manendo, Marvel, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Seale, Sherer and Sibley:

Senate Concurrent Resolution No. 4—Designating February 17, 2005, as E Clampus Vitus Day at the Nevada Legislature.

WHEREAS, It has come to the attention of the Nevada Legislature that the Ancient and Honorable Order of E Clampus Vitus has maintained its honorable status throughout the known world and especially in this great State of Nevada; and

WHEREAS, The Ancient, and Honorable and Exceedingly Humble Order of E Clampus Vitus has survived the test of time to become one of the longest surviving brotherhoods of men that continue to fulfill a fundamental need in providing protection and kindness while advancing the noble cause of Clamperdom to residents of the Silver State, especially all the "widders" and orphans, and descendants of the Argonauts; and

WHEREAS, The, Honorable Order of E Clampus Vitus was founded in West Virginia in 1845 by Ephram Bee, owner of a tavern on the National Road, and shortly thereafter the warmhearted brothers affectionately became known as the "Clampin Vipers"; and

WHEREAS, In 1860, William Stewart founded the first Ancient and Honorable Order of E Clampus Vitus, Winnemucca Lodge #1, in the Utah Territory, in the unsuspecting peaceful town known as Carson City; and

WHEREAS, The creed, of the Clamproctors, yesterday, as well as today, is "to protect the 'widders' and orphans, and MAINLY the 'widders'"; and

WHEREAS, The State, of Nevada is proud to continue the tradition of 160 years of devoted service with the Nevada chapters, which now include the Snowshoe Thompson Chapter of Douglas County, the Julia C. Bulette Chapter of the Comstock, the Lucinda Jane Saunders Chapter of Elko County and the Queho Chapter of Clark County; and

WHEREAS, It is an honor and privilege to , recognize one of our fellow Clamproctors, Harold "Sonny" Marshall, as the Sublime Noble Grand Humbug of The Honorable Order of E Clampus Vitus; and

WHEREAS, While tradition and revelry, will continue, the members of this body were deeply saddened to learn of the passing of our fallen brothers who have gone on to the Silver Hills and Golden Hills and whose long-standing participation in the activities of this Ancient and Honorable Order will be sorely missed; 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, of whom many are proud members of E Clampus Vitus, do hereby declare February 17, 2005, as E Clampus Vitus Day at the Nevada Legislature, a day to be marked by appropriate revelry and thanksgiving; and be it further

RESOLVED, That the Ancient and Honorable Order of E Clampus Vitus is praised and commended for its contributions to mankind and others, and recognized as an illustrious group of Clampers, Clampatrious, Vituscans and Frolicking Friars who must continue to serve and protect the residents of the Silver State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Clamp Patriarchs, Peter Van Alstyne and Jerry Robich.

Senator Amodei moved the adoption of the resolution.

Remarks by Senators Amodei, Nolan and Raggio.

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

SENATOR AMODEI:

We enjoy a rich history in this State. We are proud of its history and of the time in which our State came into being. From a cultural resource and preservation view, the members of

E Clampus Vitus are devoted to making certain our rich history lives on, and as the members do so, they have a good time. It is my privilege to be a part of honoring these men for the work they do. I am a member of the Snowshoe Thompson Chapter of E Clampus Vitus, and as their bumper sticker states, there is no known cure. I commend you to support this resolution.

SENATOR NOLAN:

I, too, support this honorable resolution. Every two years, the members of E Clampus Vitus visit us at the Legislature. Tonight, they will be hosting their biennial "doings." Any member of this body who has not had the privilege of being initiated into this organization has missed an opportunity to enhance their own personal experiences.

SENATOR RAGGIO:

I rise in support of this resolution. In doing so, I will invoke the memory of a gentleman who walked this hall during many sessions. John Riggs was a Clamper of the first order. He prevailed upon us to make certain we did not forget that the organization, though dedicated to good times, does serious work protecting historical sites around our State.

I was initiated into E Clampus Vitus and had the honor of joining at the same time as former Governor Grant Sawyer. It was a memorable day. The initiation process is one to remember. I commend them for their continued dedication to restoring and maintaining the history of the State and urge you to support this resolution.

Resolution adopted.

Senator Amodei moved that all rules be suspended and that Senate Concurrent Resolution No. 4 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

Senator Washington moved that Senate Bill No. 23 be rereferred to the Committee on Judiciary.

Remarks by Senator Washington.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator McGinness:

Senate Bill No. 79—AN ACT relating to firearms; allowing the possession of a short-barreled rifle or a short-barreled shotgun that has been determined to be a collector's item, curio or relic pursuant to federal law; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Beers, Horsford, Cegavske, Tiffany, Hardy, Amodei, Heck, Lee, Townsend; Assemblymen Giunchigliani, Sherer, Hettrick, Buckley, Conklin, Allen and Sibley:

Senate Bill No. 80—AN ACT relating to personal identifying information; providing that a consumer may place a security alert or security freeze in certain files maintained by a credit reporting agency; providing for certain requirements and procedures relating to a security alert or security freeze; requiring a credit reporting agency to maintain a toll-free telephone number for certain purposes; requiring a credit reporting agency to make certain

disclosures relating to a security alert or security freeze; providing civil remedies; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 81—AN ACT relating to historic preservation; requiring the Office of Historic Preservation of the Department of Cultural Affairs to survey state land in certain circumstances to determine the presence of significant historical resources and make recommendations concerning any such resources that are discovered; making it a crime to take certain actions which tend to injure or destroy a significant historical resource; providing a penalty; 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. 82—AN ACT relating to the Comstock Historic District Commission; authorizing staff of the Commission to issue certificates of appropriateness in certain situations; revising provisions governing notice of hearings of the Commission; 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 Senators Coffin, Amodei, Care, Cegavske, Schneider, Beers; Assemblymen Giunchigliani, Carpenter, Manendo, McClain and Sherer:

Senate Bill No. 83—AN ACT relating to meetings of public bodies; requiring the Board of Regents of the University of Nevada to allow a person whose character, alleged misconduct, professional competence, or physical or mental health is being considered by the Board of Regents in a closed meeting to attend the meeting and present testimony and written evidence during the meeting; providing additional requirements relating to the required notice for such a meeting; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11 of the 72nd Session.
Resolution read second time and ordered to third reading.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:27 a.m.

SENATE IN SESSION

At 11:32 a.m.
President Hunt presiding.
Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, Thursday, February 17, 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. 3.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3—Declaring February 13 through February 19, 2005, as Career and Technical Education Week and commending career and technical education student organizations.

WHEREAS, February 13 to 19, 2005, has been designated Career and Technical Education Week by the Association for Career and Technical Education; and

WHEREAS, Profound economic and technological changes in our society are reflected in the structure and nature of our workforce, thereby placing new and additional responsibilities on our educational system to prepare students with the necessary basic skills to be successful; and

WHEREAS, Career and technical education improves the quality of education by giving secondary and post-secondary students experience in practical, meaningful applications of basic skills; and

WHEREAS, SkillsUSA, a national organization serving more than 264,500 high school and college students and professional members enrolled in training programs in technical, skilled and service occupations, provides quality educational experiences for students in leadership, teamwork, citizenship and character development, builds self-confidence, work attitudes and communications skills in students, emphasizes life-long education and pride in the dignity of work, and promotes understanding of the free enterprise system and involvement in community service activities; and

WHEREAS, The Distributive Education Clubs of America (DECA), has given young people the tools and aptitudes needed to pursue career opportunities in marketing and management and entrepreneurial opportunities; and

WHEREAS, The mission of Future Business Leaders of America—Phi Beta Lambda (FBLA-PBL), a nonprofit education association of students preparing for careers in business and business-related fields, is to bring business and education together in a positive working relationship through innovative leadership and career development programs; and

WHEREAS, The National FFA Organization, formerly Future Farmers of America, has seen millions of students achieve real-world success as it pursues its mission to make a positive difference in the lives of students by developing their potential for leadership, personal growth and career success through agricultural education; and

WHEREAS, Family, Career and Community Leaders of America, Inc., (FCCLA), whose central focus is the family, has promoted personal growth and leadership development through family and consumer sciences education, with over 220,000 members preparing for and choosing careers which will ultimately help achieve global cooperation and harmony; and

WHEREAS, These and other organizations provide young Americans with a school-to-career connection and offer them opportunities to learn new skills which provide them with career choices and personal satisfaction as they become productive members and leaders of their communities; and

WHEREAS, The participants in these organizations become the backbone of a strong, well-educated workforce which fosters productivity in business and industry and contributes to America's leadership in the international marketplace; and

WHEREAS, The ever-increasing cooperative efforts of career and technical educators and business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for careers in fields forecast to experience the largest and fastest growth; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Session of the Nevada Legislature hereby declares February 13 through February 19, 2005, as Career and Technical Education Week; and be it further

RESOLVED, That SkillsUSA, DECA, Future Business Leaders of America—Phi Beta Lambda, the National FFA Organization, Family, Career and Community Leaders of America, Inc., and similar organizations are commended for their decades of fostering personal growth and community leadership among the young people of our country and emphasizing the achievement of excellence in whatever vocation they choose; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Association for Career and Technical Education, Nevada SkillsUSA, Nevada DECA, Inc., Nevada FBLA-PBL, the Nevada FFA Association, the Nevada Association FCCLA and the Department of Education.

Senator McGinness moved the adoption of the resolution.

Remarks by Senator McGinness.

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

This is a great opportunity for us to pass this resolution and show the young people how much we admire their skills and how much we recognize that not everything in life hinges on a college education.

For those of us who have tried to look under the hood of our automobile, we know how complicated the new vehicles are. In Fallon, I was in an automotive repair shop and saw how all the repair information are on computers. It is now possible to put in the information for a new car and find out why a back door lock is not working just by checking the schematics for the car on the computer. This saves the consumer a lot of time and allows for the fix to be made quickly.

In restaurants, computers are used to place orders. Gone are the paper tickets spinning on a wheel for the chef to receive the order. Now, the server places the order in the computer for the chef to see.

Let us pass this to honor these young students for the skills they are learning.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

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 Harold A. "Sonny" Marshall.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Eric Radich, Andrew Childers and Jasmin Terrazas.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to the following members of E Clampus Vitus: Scoop Robich, Rob McKevitt, Cappy Cook, Buck Jones, Gary Wright,

Marsh Fey, Augie Fey, Jim Lydon, Peter Van Alstyne, Charlie Harper, Bob Romer, Danny Coyle, Geno Oliver, John Worthy, Ralph Hultburg, Nate Hughes, Ron Bradley, Rocky Dixon, David Tehee, Bob Inderbieten, Tom Ries, Rob Clark, Eric Vargas, Scott Gross, Ellis Nelson, Jim Lacey, Steve Sherman and John Boyne.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Ron Schmitt and the following students and teachers from the Roy Gomm Elementary School: Brennen Alonso, Anna Brackney, Patrick Briggs, Albert Bylund, Drew Calvillo, Katherine Clark, Kevin Eisele, Shane Gump, Ryan Hansen, Gabrielle Kanellos, Aaron Karr, Maxwell Kiene, Camille Mathis, Ashley McPhail, Tessyn Opferman, Zachary Paquette, Camile Perry, Dana Rao, Zachary Rice, Hannah Rosser, Sedona Shonnard, Lydia Valencia, Ashley Van Havel, Carter Zumtobel, Michael Beasley, James Benesch, Taylor Cobb, Dillon Coleman, Evelyn Cunningham, Andrew Evans, Liam Gomez, Zachary Hall, Dylan Harris, Allison Kreutzian, Grant Kukuk, Travis Mattoon, Alexandra McReynolds, Olivia Moore, Hannah Murphy, Blake Pachtsheim, Isabella Pitts, Kaitlin Ramirez, Kellen Richards, Kayleen Richter, Molly Salmon, Jesse Spooner, Hannah Stewart, Aleta Vitkus, Chase Barnes, Emily Breslow, Maria Cagney, Alexa Conte, Jerad Hershewe, Kaytlin Justis, Vincent Koci, Christopher Lennox, Ryan Magera, Wesley Matthews, Rex Nowak, Eric Petralia, Shane Ryan, Andrea Sanford, Nabila Sarkar, Devin Smith, Janice Ta, Destinee Terry, Tyler Vanry, Garret Volk, Brittany Wade, Leah Whitefield, Garrett Wright, Daniel Yi, Ryan Akers, Ivan Biondi, Ryan Bush, Lily Cooper, Alexis Coulter, Kayla Crocco, Allina Cummins, Alyssa Eckert, James Ferrari, Mackenzie Fuller, Michael Harrison, Tyler Harrison, Annamarie Heydon, Lauren Hoogs, Evan Jacobs, Cody Kaiser, Marcus Lorang, Makenzi Malvey, Jessica Olson, Michael Peck, Kevin Pikero, Adrian Rodriguez, Lauren Sandberg, Taylor Sibson, Austin Smith; teachers: Mrs. Mounn, Mr. Jernst, Mrs. Khume and Mrs. Handerson.

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

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Paula Hammack and Vert Eason.

Senator Raggio moved that the Senate adjourn until Monday, February 21, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:44 a.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate