

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 10, 2005

Senate called to order at 11:03 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Deacon Bob Evans.

Let us pray in the words of the psalmist as interpreted in the lyrics of Michael Joncas:

"You who dwell in the shelter of the Lord,
Who abide in His shadow for life,
Say to the Lord: my refuge, my rock in whom I trust.
And He will raise you up on eagle's wings,
Bear you on the breath of dawn,
Make you to shine like the sun,
And hold you in the palm of His hand."

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 Government Affairs, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN B. HARDY II, *Chair**Madam President:*

Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 78, 133, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 9, 2005

To the Honorable the Senate:

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

DIANE KEETCH

Assistant Chief Clerk of the Assembly

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

March 8, 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:

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 Chamber. 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 Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Carlton:

Senate Bill No. 174—AN ACT relating to chiropractic; increasing the number of members of the Chiropractic Physicians' Board of Nevada; requiring any person who practices chiropractic to maintain professional liability insurance; revising provisions governing disclosure by the Board of certain information related to investigations and disciplinary actions; increasing certain fees; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Titus:

Senate Bill No. 175—AN ACT relating to motor vehicles; revising provisions governing vehicle accident reports; authorizing an insurer of a motor vehicle involved in a vehicle accident to move the vehicle to a secure storage facility under certain circumstances; revising provisions governing delivery of a certificate of title following performance of the terms of a contract or security agreement; revising provisions governing liens and lien sales; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Beers, Rhoads, Hardy, Cegavske, Raggio, Amodei, Care, Heck, McGinness, Tiffany, Washington; Assemblymen Conklin, Sherer, Carpenter, Christensen, Gansert, Grady, Hardy, Marvel and Sibley:

Senate Bill No. 176—AN ACT relating to insurance; eliminating the premium tax on annuities; 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 Judiciary:

Senate Bill No. 177—AN ACT relating to civil actions; increasing certain fees charged in connection with a civil action in a district court; increasing certain fees that certain boards of county commissioners may impose for the filing of certain actions in district courts and justices' courts; providing that certain fees charged in connection with a civil action in a district court may be used to support programs for alternative methods of resolving disputes; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 178—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations providing for an endorsement in the field of educational psychology; prescribing the requirements and qualifications for the endorsement; authorizing an educational psychologist to engage in the private practice of educational psychology in addition to his employment with a school district or charter school; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 132.

Bill read second time and ordered to third reading.

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 141.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 46.

Bill read third time.

Remarks by Senator McGinness.

Roll call on Senate Bill No. 46:

YEAS—21.

NAYS—None.

Senate Bill No. 46 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 71.

Bill read third time.

Roll call on Senate Bill No. 71:

YEAS—21.

NAYS—None.

Senate Bill No. 71 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

I would like to speak to this body for just a few minutes about two items in the morning news concerning the so-called "secret tax meetings."

One was a *Las Vegas Review-Journal* editorial, which, for some inexplicable reason, attacked me for those closed sessions. I did not call the meeting, and I certainly did not defend them; on the contrary, I have been the loudest critic. But, aside from the fact that the *Review-Journal's* spleen is misdirected, they do make some very good points about the need to discuss this important issue, various solutions, scenarios and potential impacts on the State out in the open.

The second article, on the front page of the *Nevada Appeal*, is an in-depth description of discussions in the last meeting.

Well, enough is enough. In an attempt to work in a bipartisan, bicameral fashion, I have put my freeze bill on hold; although, it has been ready for a week. It is simple. It has not changed.

Nonetheless, I have been willing to listen to other scenarios. I have attended meetings, against my better judgment, and have said little about the discussion therein at the request of the Majority Leader; although, based on the *Nevada Appeal* article, apparently, some in the meetings did not honor that agreement.

I have been sympathetic to an overworked staff, and I have asked my caucus colleagues to put their bills on hold; although, they have issues that are important to their constituents.

In the spirit of congeniality, I have not criticized other scenarios because I had hoped consensus would be reached, and I felt strongly that this issue is too important to turn into a political football or a pawn in some pre gubernatorial game.

Well, as I said, enough is enough. The public is tired of worrying about losing their homes, tired of paying higher and higher property taxes, tired of hearing excuses for why we cannot get it done.

I will attend the 3 p.m. meeting today for the last time. I will then talk to the press about what was discussed because there should be no secrets. We must move forward. Debate must begin on specific proposals. Time is running out.

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

Two days ago, I made remarks regarding this issue. Whoever is writing the articles and editorials either is misinformed or does not wish to understand the situation. These were not "secret meetings" requested by anyone in leadership.

I must emphasize these meetings were requested by staff who stated they could not function effectively and needed some direction from leadership on this issue. They received 21 requests for bills for property-tax relief. Each of the four leaders, our Chair of the Senate Committee on Taxation and our Chair of the Legislative Commission attended these meetings. As I indicated in my last speech on this issue, through my own disclaimer, I am not one of those running for Governor. I am not the one sending out information nor do I care who gets the credit for what is eventually determined. We have a common goal. I think we all agree on that.

The staff and the Legislators are working diligently. We are taking two Fridays off to give staff the time to work on all of these proposals. They cannot do that unless they have the time. They asked us to help them focus on the basic issues. They want to know what the impacts are of these various plans. One plan asks for a freeze, another has a 3-percent plan; another has a 6-percent plan and so forth.

This issue is not that simple. The Chair of the Legislative Commission has indicated it is more complex than just saying, "We need to do something. We need to get moving." That does not

help the process. We have to ask staff to put this into a format that is acceptable and meets the constitutional requirement of what is uniform and equal.

I am not the one who reported anything that was discussed at the meeting. This was not a meeting to develop a plan in order to dictate to everyone in the Legislature. Giving these types of explanations, again, today, is a waste of our time. Let the staff do what is necessary. This is not an exclusive process. Everyone who has an idea should be heard and will be given the opportunity. Listening to ideas is up to the two tax committees. We have an able Chair of the Committee on Taxation and an able Taxation Committee. The Assembly has established a committee called Growth and Infrastructure to handle their tax proposals.

We do not have the luxury of 180 days or more to do this. It is our first priority. All with ideas are welcome. This is not about getting ink; it is about helping the process. We had enough of that last session. Let us cooperate. The process will run smoother if we have bipartisan support and bicameral support.

We know not everyone will like the outcome, but under our oath, we have an obligation to do what is necessary and appropriate. We cannot worry about what an editorial says or what a reporter writes. Let us not worry about being reelected or elected to another position. Let us get the job done in an appropriate manner and in an appropriate length of time.

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 the following students and faculty from the Pioneer High School: Kyle Leslie, Zach Gochenouer, Amber Heckman, Mick Ochoa, Madelyn Reyes, Melissa Paul, Stephanie Morse, Heather Carpenter, Madisyn Morrison, Doug Hitchcock, Kim Polley, Winter Woodward, Jennifer Thomas, Caitlin Hansen, Jesse Pacheco, Preston Malone, Kate Magnuson, Ryan Galvan, Rosita Angel, Jenna Burton, Lydia Cabrera, Samantha DeWaide, Samantha Farr, Sergio Myers, Kayla Olson, Elizabeth Quintero, Ysabel Ramos, Stephanie Resendez, Whitney Richmond, Aaron Virgo, Troy Weiler, Samantha Wells, Jessica Clary, Ashley Baker, Nathan Neben; teachers: Julie Gabica and Pamela McMullan.

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

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Angela Rodriguez.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Aileen Mathews, Rebekah Smith and Eliana Smith.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Mary Ellen Horan.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Miss Rodeo America, Selena Ulch.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Maizie Harris Jesse.

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

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Pat Ferraro Klos.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to William Russell.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Jill Winter.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Ron Singer, Consul General of Japan; Mr. Yamanake; Consul Tsuyoshi Kitazawa; International Affairs Japanese Consulate; and Gail Anderson; International Trade Manager.

Senator Raggio moved that the Senate adjourn until Monday, March 14, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:45 a.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate