

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 22, 2005

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

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Stanley Friend.

Almighty God, Creator and Sustainer of us all, as we begin today's session, we invoke the power and presence of Your Holy Spirit. As each Senator labors, may they be reminded of the responsibilities and opportunities of leadership. Let us use this occasion to dedicate ourselves anew to Your values and purpose. In Your Name, we pray.

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 Human Resources and Education, to which was referred Senate Bill No. 155, 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 21, 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. 82, 88.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 204.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 11.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Cegavske:

Senate Bill No. 252—AN ACT relating to elections; providing that the governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall adopt an ordinance to provide for a primary city election and general city election on the dates for state primary elections and state general elections; revising the charters of certain cities to provide for primary city elections and general city elections on the dates for state primary elections and state general elections; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senators Nolan, Horsford and Raggio:

Senate Bill No. 253—AN ACT making an appropriation to the Andre Agassi College Preparatory Academy for the construction of a facility to provide full-day kindergarten and first grade; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan:

Senate Bill No. 254—AN ACT relating to public welfare; making various changes relating to child care facilities that are located within health clubs; and providing other matters properly relating thereto.

Senator Nolan 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. 255—AN ACT relating to financial institutions; revising the provisions governing the acquisition of a branch of a Nevada depository institution by certain out-of-state depository institutions and holding companies; 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. 256—AN ACT relating to public utilities; revising certain provisions relating to the regulation of public utilities; changing the date on which the Public Utilities Commission of Nevada must mail certain report forms to public utilities and other regulated entities; revising certain provisions relating to consumer sessions; revising certain provisions relating to changes in rates and schedules; revising the period within which the Commission must take action on certain applications; revising the period within which an electric utility must file a general rate application; revising the period within which an electric utility must file an application to clear its deferred accounts; 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. 257—AN ACT relating to accounting; providing for the retention and changing of documentation related to attestations; eliminating the annual register maintained and distributed by the Nevada State Board of Accountancy; revising provisions relating to the experience needed to be eligible for a certificate of certified public accountant; eliminating the requirement that the Board conduct an examination at least once each year; revising the circumstances under which a candidate for a certificate as a certified public accountant may receive conditional credit for passing a section of the examination for the certificate; revising the fees charged by the Board; repealing provisions relating to the validity of certain certificates; providing a penalty; 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. 258—AN ACT relating to common-interest communities; requiring that in certain meetings, a unit-owners' association provide to the owner of each unit an explanation of the potential benefits and the potential adverse consequences of bringing an action for a constructional defect; requiring that a person attempting to sell a residence in a common-interest community disclose in any advertisement to sell his residence that the residence is or has been the subject of an action for a constructional defect; and providing other matters properly relating thereto.

Senator Townsend moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Commerce and Labor.

Remarks by Senator Townsend.

Motion carried.

By Senator Coffin:

Senate Bill No. 259—AN ACT relating to taxation; providing for the postponement of the payment of an increase in property taxes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 260—AN ACT relating to public welfare; revising provisions concerning the provision of prescription drugs pursuant to the Medicaid program; 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 Senator Townsend:

Senate Bill No. 261—AN ACT relating to public safety; revising the provisions governing skier safety to include snowboarding; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Raggio and Washington (by request):

Senate Bill No. 262—AN ACT relating to outdoor advertising structures; authorizing the raising, relocation or compensation for loss of such a structure if the visibility of the structure is obstructed as a result of certain governmental actions; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Care, Titus, Amodei and Assemblywoman Ohrenschall:

Senate Bill No. 263—AN ACT relating to environmental covenants; adopting the Uniform Environmental Covenants Act; and providing other matters properly relating thereto.

Senator Care moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 82.

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

Motion carried.

Assembly Bill No. 88.

Senator Nolan moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Judiciary.

Remarks by Senator Nolan.

Motion carried.

Assembly Bill No. 204.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 73.

Bill read second time and ordered to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 54.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section. 1. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of \$38,000 for unanticipated out-of-state travel, in-state travel and operating expenses for Fiscal Year 2004-2005 for dignitary protection. This appropriation is supplemental to that made by section 28 of chapter 327, Statutes of Nevada 2003, at page 1836."

Amend the title of the bill to read as follows:

"AN ACT making a supplemental appropriation to the Department of Public Safety for unanticipated out-of-state travel, in-state travel and operating expenses for dignitary protection; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes supplemental appropriation to Department of Public Safety for unanticipated out-of-state travel, in-state travel and operating expenses for dignitary protection. (BDR S-1193)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 61.

Amend section 1, page 1, line 2, by deleting "\$116,316" and inserting "\$87,590".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—16.

NAYS—Care, Carlton, Horsford, Titus, Wiener—5.

Senate Bill No. 82 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 94:

YEAS—21.

NAYS—None.

Senate Bill No. 94 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 97.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 97:

YEAS—21.

NAYS—None.

Senate Bill No. 97 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 119.

Bill read third time.

Remarks by Senators Heck and Care.

Roll call on Senate Bill No. 119:

YEAS—11.

NAYS—Beers, Care, Carlton, Cegavske, Coffin, Lee, Mathews, Tiffany, Titus, Wiener—10.

Senate Bill No. 119 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174.

Bill read third time.

Roll call on Senate Bill No. 174:

YEAS—21.

NAYS—None.

Senate Bill No. 174 having received a two-thirds majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23.

Bill read third time.

Remarks by Senators Carlton and Amodei.

Roll call on Assembly Bill No. 23:

YEAS—21.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 4:45 p.m.

Motion carried.

Senate in recess at 11:40 a.m.

SENATE IN SESSION

At 4:44 p.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Beers:

Senate Joint Resolution No. 9—Proposing to amend the Nevada Constitution to prohibit the Legislature from exceeding certain limitations in appropriating money or authorizing money for expenditure, to provide for the disposition of any revenues collected in excess of the limitations on the amounts that may be appropriated or authorized for expenditures and to provide for the interpretation of certain provisions of the Constitution.

WHEREAS, A recent Nevada Supreme Court decision, *Guinn v. Legislature*, 119 Nev. 277 (2003), held that the supermajority requirement imposed by Section 18 of Article 4 of the Nevada Constitution for the passage of a bill or joint resolution creating, generating or increasing public revenue was a procedural requirement and must yield to a substantive requirement of the Constitution; and

WHEREAS, The supermajority requirement was intended to be a fundamental governing principle of this State; and

WHEREAS, A limitation on the amount that may be appropriated or authorized for expenditure by the Legislature will restrain the growth of the State Government; and

WHEREAS, The limitation on the growth of the State Government is intended to be a fundamental governing principle of this State equal to the supermajority requirement for the passage of a measure creating, generating or increasing public revenue; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 39, be added to Article 4 of the Nevada Constitution, to read as follows:

Sec. 39. 1. Except as otherwise provided in subsection 3, the Legislature shall not, without the affirmative vote of at least two-thirds of the members elected to each House, appropriate or authorize for expenditure in any fiscal year an amount which exceeds the amount appropriated or authorized for expenditure during Fiscal Year 2008-2009, plus cumulative percentage adjustments equal to the average percentage of change in the total personal income, as measured in current dollars, in the State over the 3 calendar years immediately preceding the fiscal year in which the appropriate or authorization for expenditure is made.

2. The limitation on expenditures described in subsection 1 does not apply with respect to any revenue that is:

(a) Required to be deposited in a fund to be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways;

(b) Generated by any bill or joint resolution enacted pursuant to the provisions of subsection 4 of Section 18 of this Article; or

(c) Received from any person or entity, except the Federal Government, in the form of a gift or a grant.

3. *Except as otherwise provided in subsection 4, if the provisions of this Section and one or more other provisions of the Constitution contradict in substance, the provisions of this Section must be given effect.*

4. *The provisions of this Section must be interpreted in such a manner as to prevent any contradiction in substance with the provisions of subsection 2 of Section 18 of this Article.*

And be it further

RESOLVED, That a new section, designated Section 40, be added to Article 4 of the Nevada Constitution, to read as follows:

Sec. 40. 1. Except as otherwise provided in subsection 2, the Legislature shall deposit into the fund established pursuant to Section 41 of this Article any revenues that exceed the limitation on expenditures established pursuant to Section 39 of this Article.

2. If the fund established pursuant to Section 41 of this Article contains an amount of money which is greater than 10 percent of the amount of money contained in the State General Fund, any revenues that exceed the limitation on expenditures established pursuant to Section 39 of this Article must be used correspondingly to reduce state or local taxes.

And be it further

RESOLVED, That a new section, designated Section 41, be added to Article 4 of the Nevada Constitution, to read as follows:

Sec. 41. The Legislature shall provide by law for the creation, as a special revenue fund, of a fund to stabilize the operation of the State Government.

And be it further

RESOLVED, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be biennial, and shall commence on the 1st Monday of February following the election of members of the Assembly, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session. *The proposed executive budget must:*

(a) Set forth the expenditures proposed by the Governor;

(b) Set forth a budget with a total amount proposed for appropriation and authorization that does not exceed the limitation on the amount that may be appropriated and authorized for expenditures during a fiscal year pursuant to subsection 1 of Section 39 of this Article; and

(c) Include specific identification of items recommended to be cut from the proposed budget set forth pursuant to paragraph (b) to facilitate, if necessary, a reduction of the total proposed budget by 3 percent.

And be it further

RESOLVED, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection ~~[4.]~~ 5, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in subsection 2, a majority of all the members elected to each house is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

2. Except as otherwise provided in subsection 3 ~~and~~ 4, an affirmative vote of not fewer than two-thirds of the members elected to each house is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each house may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. *If the public revenue collected in a fiscal year is insufficient to pay public debt incurred before that fiscal year, a majority of the members of each House shall pass a measure which creates, generates or increases public revenue in an amount sufficient to pay the public debt.*

5. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

6. *Except as otherwise provided in subsection 7, if the provisions of subsection 2 of this Section and one or more other provisions of the Constitution contradict in substance, the provisions of subsection 2 of this Section must be given effect.*

7. *The provisions of subsection 2 of this Section must be interpreted in such a manner as to prevent any contradiction in substance with the provisions of Section 39 of this Article.*

Senator Beers moved that the resolution be referred to the Committee on Finance.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Rhoads:

Senate Bill No. 264—AN ACT relating to economic diversification; requiring the Commission on Economic Development to develop a grant program to assist projects of economic diversification in certain counties; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Rhoads and McGinness:

Senate Bill No. 265—AN ACT relating to the State Legislature; providing for allowances for certain travel expenses incurred by Legislators during the legislative interim; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 266—AN ACT relating to limitation of actions; clarifying that a change in the ownership, occupancy or use of real property does not constitute an improvement to real property unless the change in ownership, occupancy or use is accompanied by the construction of an improvement to the real property; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Care:

Senate Bill No. 267—AN ACT relating to meetings of public bodies; making various changes regarding the Open Meeting Law; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Beers:

Senate Bill No. 268—AN ACT relating to educational personnel; providing that the board of trustees of a school district shall not employ or reemploy a person as an administrator unless that person has certain experience in providing classroom instruction; providing an exception for administrators who are not licensed teachers; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Beers:

Senate Bill No. 269—AN ACT relating to parking by person with disabilities; providing for the issuance of letters to certain persons to whom a special license plate, placard or sticker that authorizes parking in spaces designated for the handicapped have been issued; making it unlawful under certain circumstances for persons named in such a letter to allow another person to park a vehicle displaying the plate, placard or sticker; increasing the minimum amount of the fines for unlawfully parking in a space designated for handicapped parking; requiring certain money collected from violations of local ordinances governing parking for the handicapped to be credited to the account of the local law enforcement agency that issued the citation; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 270—AN ACT relating to unclaimed property; clarifying provisions regarding which entity is required to report certain abandoned property; allowing the Administrator of Unclaimed Property to require a person to file a verified report of abandoned property on diskette in certain circumstances; making various changes to the provisions governing the sale

and disposition of abandoned property; allowing the Administrator to require a person with a claim in certain property to furnish a bond and indemnify the State in certain circumstances; allowing the Administrator to waive all or part of the interest penalty for a late payment or delivery of abandoned property under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 271—AN ACT relating to victims of crime; authorizing a victim of stalking to obtain a fictitious address from the Secretary of State; authorizing a pupil who is a participant in the fictitious address program or whose parent or guardian is a participant in that program to attend any public school in this State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Senate Bill No. 272—AN ACT relating to weapons; providing that a firearm taken from the possession of a person charged with possessing, consuming, manufacturing, transporting, selling or being under the influence of any controlled substance must be confiscated and disposed of in the same manner as certain other weapons; and providing other matters properly relating thereto.

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

Motion carried.

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

Senate in recess at 4:51 p.m.

SENATE IN SESSION

At 5:07 p.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblyman Conklin and Assemblywoman Allen were at the bar of the Senate. Assemblyman Conklin invited the Senate to meet in Joint Session with the Assembly to hear Senator John Ensign.

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

Senate in recess at 5:09 p.m.

IN JOINT SESSION

At 5:12 p.m.

President Hunt presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Arberry, Buckley and Parks, who were excused.

Madam President appointed a Committee on Escort consisting of Senator Nolan and Assemblywoman Weber to wait upon the Honorable Senator John Ensign and escort him to the Assembly Chamber.

Senator Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-THIRD SESSION, 2003

Thank you, Governor, Madam President, Madam Speaker Pro Tem, Mr. Speaker, Majority and Minority Leaders, Constitutional Officers, Members of the Legislature and special guests. Thank you for inviting me to join you tonight. It is always great to be here in our State's Capital with so many friends. For the eighteenth year, we are the fastest growing state in the Nation. Although there are challenges that come with that growth, I am incredibly proud of how Nevada has led the Nation in innovation and vision on so many different fronts.

One of my proudest legislative accomplishments, which has literally become the envy of Washington, D.C., is the Southern Nevada Public Lands Management Act, which I wrote with then Senator Dick Bryan when I was in the House of Representatives. It has exceeded all possible expectations. When we first brought environmentalists, land users, wilderness groups, local, state and federal governments together, our most optimistic estimates were that about \$50,000 per acre would be achieved with the auction of these public lands. Seven years and a booming economy later, land is being auctioned off at \$300,000 per acre thus far, bringing our great State more than \$2 billion in proceeds. It really is quite remarkable. Our general education fund has received more than \$78 million and water infrastructure has benefited by more than \$144 million. We have improved parks and trails, acquired environmentally sensitive lands and worked to conserve beautiful natural resources across Nevada.

I am especially proud of legislation I authored that amended the Southern Nevada Lands Act which guarantees \$300 million for water clarity, erosion control and fire suppression at Lake Tahoe. The Spring Mountain Range and Mount Charleston in southern Nevada are slated to receive a \$50 million jump-start for infrastructure and fuel reduction to help heal some of the challenges faced there. The success of the Southern Nevada Lands Act is so much more than what we thought it would be because southern Nevadans made the land valuable. They have put in the infrastructure, and they have put in the sweat equity to make land so valuable. That is why the funds generated by those land auctions must stay in the State of Nevada. I am thrilled that through the Budget Committee, on which I sit, we were able to stop any attempts to steal our proceeds for the federal coffers. I, also, received commitments from powerful allies on the Appropriations and on the Energy Committees to join our fight if another attempt is made to raid our funds. You can rest assured that I will work tirelessly with Senator Reid and the rest of the delegation to stop any further efforts to take these funds from Nevada. Additionally, Senator Reid, Congressman Gibbons and I worked with countless interested parties to get the

Clark County Lands Bill and the Lincoln County Lands Bill signed into law by President Bush. Both pieces of legislation will greatly contribute to the quality of life for residents in both counties. Senator Reid and I have invited every county in Nevada to consider pursuing a lands bill to address growth, environmentally sensitive areas and recreation. Several counties are now working on bills as we speak. I extend that invitation, again, tonight, to those counties who have not yet formulated a plan to take advantage of this historic precedent. It is tough work, but bringing together diverse and interested groups, working through difficult issues, and seeing the result of that work is truly remarkable. We had a vision about how to grow southern Nevada and take care of precious resources at the same time. Today, that vision is paying off.

The vision of Nevada educators is something I have also become familiar with over the past several years. I have met with school administrators, teachers and parents in school districts across the State. I have asked them to share with me the successes and struggles that they face. They have come up with some thoughtful and innovative approaches that I have taken back to Washington as we work to improve the No Child Left Behind Act and the Individuals With Disabilities Education Act. We have come a long way.

Last time I spoke with you, I told you that the No Child Left Behind Act was absolutely not an unfunded mandate. I was so sure of myself because I fought for a provision in the law to allow school districts to opt out of having to comply if there was anything that we required that we did not fund. Well, over the past two years, I have challenged every single district in this State and every single person who has claimed that it is an unfunded mandate, that if you believe that, show me where there is an unfunded mandate. Not one person, to this date, has shown an unfunded mandate—not one single person, not one single school district. Now, I know that the No Child Left Behind Act is not a perfect piece of legislation, but it is not an unfunded mandate. I will continue to work with educators across this State to make it a better legislation for our students to improve our schools. It is our children's education and future that should be all of our top priority.

Nevada has also been at the head of another class for the past 20 years as our State has been showing the Nation how to plan for retirement. I am not talking about some of the beautiful retirement communities around the State. Since 1984, Nevada's public school teachers and state employees have had the opportunity to invest a portion of their paychecks in the Public Employees Retirement System of Nevada. As a matter of fact, they are exempt from paying into Social Security. I have asked hundreds of teachers over the years how they would feel about giving up the opportunity to contribute to PERS and instead be enrolled into Social Security like the rest of us. Let us just say that the response was not very positive. That is because PERS has averaged almost an 11-percent rate of return since its inception. During that time, Social Security has had a 2-percent rate of return; 11 percent versus 2 percent, pretty obvious. PERS is not a perfect system either. Like Social Security, PERS is susceptible to the whims of elected officials because there are no protected personal accounts. As we all know, the current Social Security Trust Fund really is just a farce. It is made up of nothing but IOUs, paper IOUs, that are just promises for future generations to pay taxes for future retirees. That is because since the beginning of Social Security, politicians have been spending that money as if it was their personal rainy-day account. Enough is enough. We must come up with a better, stronger system that saves and strengthens Social Security for tomorrow. The new system is about empowering Americans who earn money by working long hours and sacrificing family time with the right to own their money and the right to make their decisions about how their money will grow. They should know that their hard-earned money in their retirement accounts is secure in a personal account that cannot be spent to pay for Congress' fiscal irresponsibility. They should feel secure knowing that their retirement money, locked in their own personal account, can also be passed on to their children. After all, it is their hard-earned money, and part of living the American dream is having something to leave behind for the next generation. That should not just be true for wealthy families. We can make it true for all Americans.

The personal account, which, again, is completely voluntary, will only be comprised of a portion of a worker's payroll taxes. The majority would go into the Social Security system to ensure that a safety net is in place. There would also be limits on how much and where the money could be invested. Personal accounts alone, however, will not fix the entire problem, but they work toward the goal of providing a safe and secure retirement future with the opportunity

for financial growth. Without the personal accounts, we only delay a future crisis because the system, in its current form, is completely unsustainable. Today, Senators, members of Congress and all federal employees have true personal accounts in addition to Social Security; its called the Thrift Savings Program. We all choose where to put our money from a list of five index funds. The money in my account is mine when I retire. I own it. Nobody else can dip into it or borrow from it. It is mine. Every single American worker deserves to have ownership over their retirement account. The retirement systems that benefit federal employees and Nevada State employees are innovative and visionary plans, and we should use the same vision as we work to save and strengthen Social Security today.

It is that kind of vision that makes us so proud of this State. But, even more special to me than the innovation that thrives in Nevada are the people who make it all possible. I think of people like Mike O'Callaghan who loved this State with every fiber of his being and who dedicated his life to making it a better place to live for all of us. I think of people like Tony Armstrong, Mayor of Sparks, who brought humility to public office and showed us that we serve our constituents best when we serve with our hearts. Since I last spoke with you two years ago, no one has shown more bravery and courage than Nevada's servicemen and women who have sacrificed so much to defend our freedom. Sadly, twelve sons of Nevada have given their lives in their service to this Nation in Iraq and Afghanistan. While we mourn their losses, I continue to be inspired by the heroism and complete commitment of our Armed Forces. Nevadans have led on that front, too. Corporal Daniel Routson, from Winnemucca, who was awarded the Navy and Marine Corps Commendation Medal with Combat "V" last July when a 20-man insurgent force dressed as Arab civilians ambushed his platoon. Corporal Routson drove his unarmored civilian vehicle through a hail of enemy fire in pursuit of fleeing insurgents. His actions resulted in the capture of two foreign fighters. Then, there is Lance Corporal Miguel Melara, a 2003 Douglas High School graduate, who was wounded in November during the intense battle for the city of Fallujah. With shrapnel wounds to his lip, forehead, neck and leg, the young Marine was given the option of leaving Iraq. He chose to stay with his comrades. Lance Corporal Melara finished his tour and is stationed, now, at Camp Pendleton until he is deployed again at the end of the summer. I know that all Nevadans are thankful for these exceptional men and the countless other brave men and women in uniform from Nevada in our Armed Forces who have exhibited unbelievable strength and courage. Having been to Iraq twice, attended many funerals and visited with injured servicemen at Walter Reed Hospital, I have seen their sacrifices and the effects firsthand. The fruits of their sacrifices are also being witnessed across the world.

As Martin Luther King Jr. once urged, "Let freedom ring." Today, that glorious ring of freedom is being heard in Iraq where democratic elections have been held and where thousands of Iraqis recently protested against foreign fighters while chanting, "No" to terrorism. It is being heard in Afghanistan where a free government, elected by their people, is running that country and not terrorists or regimes of hate. It is being heard in Lebanon where hundreds of thousands of Lebanese are demanding that Syrian troops leave their country. Make no mistake about it, this is not an American freedom being forced down the throats of unwilling nations and reluctant people. This is a freedom yearned for and sought by nations and people who want a better life for themselves and their children and their grandchildren. As President Bush said this is a "freedom granted by a Higher Being." All of God's children deserve to be free, and the United States of America will never stop supporting freedom. We are all so fortunate to live in the greatest Nation in the history of the world. God bless you, God bless Nevada and God bless America. Thank you.

Senator Amodei moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Ensign for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Senator Ensign to the bar of the Assembly.

Senator Tiffany moved that the Joint Session be dissolved.
Motion carried.

Joint Session dissolved at 5:33 p.m.

SENATE IN SESSION

At 5:36 p.m.
President Hunt presiding.
Quorum present.

UNFINISHED BUSINESS SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Concurrent Resolution No. 7.

REMARKS FROM THE FLOOR

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

I am proud to introduce my guest Specialist "Doc" Shane Puffer. He is the brother of my intern, James Puffer.

Shane is spending today with us while visiting his family during his two-week leave before he returns to active duty in Iraq. Shane joined the Army in 1997 and is a member of the Mechanized Infantry Division serving as a medical specialist since March, 2000. During the past seven months on active duty as a medic in Iraq, he has seen intense combat. When I asked him if he has seen many casualties, he lowered his head and responded that he has "seen a lot."

We compared notes between his service as a combat medic and what I used to do as a paramedic. The toughest part of Shane's job is that everyone he treats is someone who is either a friend or a colleague. Always the toughest part of the job is when a friend or colleague is lost. Unfortunately, he has seen much action where this has occurred.

Shane has been awarded the Combat Medical Badge, Expert Field Medical Badge, Kosovo Campaign Ribbon, NATO Kosovo Ribbon, Army Accommodation Medal, Army Achievement Medal, Korea Service Ribbon, Global War on Terrorism Expeditionary Medal and the National Defense Medal.

On behalf of the members of this body and of the grateful State of Nevada and our Nation, I would like to recognize him and ask that he be extended the courtesy of the floor and the gratitude he deserves.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Army Specialist "Doc" Shane Puffer, James Puffer, Jeffery Puffer, Victoria Puffer, Joey Nolan and Ryan Nolan.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Meghan Righetti, Sasha Smith and Brian Ebbert.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Alice Martz and Andrea Messina.

Senator Raggio moved that the Senate adjourn until Wednesday, March 23, 2005, at 10:30 a.m.

Motion carried.

Senate adjourned at 5:38 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate