

**THE FIFTIETH DAY**

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CARSON CITY (Monday), March 28, 2005

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

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ron Thomas.

Most holy and everlasting Father,

We thank You for the opportunity that You have given unto us to invoke Your presence as we handle matters concerning Your people. We thank You, God, for the wisdom as well as the boldness to make the necessary changes that will bring blessings and favor in our Country and our State and to Your people. Be gracious unto us and grant us, God, the grace necessary to make change, and we will be careful to praise You in the Name of Jesus.

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 Assembly Bill No. 135, 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 Finance, to which was referred Assembly Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was referred Senate Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair**Madam President:*

Your Committee on Human Resources and Education, to which were referred Senate Bill No. 202; Assembly Bills Nos. 13, 130, 131, 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 25, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions Nos. 12, 13.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS  
NOTICE OF EXEMPTION

March 28, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 207, 211, 213, 236, 239, 253, 264, 265, 284, 285, 289, 291, 314, 336, 340, 345, 361, 366.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 32, 149, 187, 276.

GARY GHIGGERI  
*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12—Recognizing March 25, 2005, as Greek Independence Day in Nevada.

WHEREAS, Ancient Greece was the birthplace of the democratic principles and thought that fundamentally shaped the growth of democracy in world history, and our own democratic system of government traces its earliest roots back to the beliefs in freedom and representative government forged in classical Greece over 2500 years ago; and

WHEREAS, Greek literature, philosophy and theology form the foundation of western culture, and ancient Greece was the birthplace of the Olympic Games which today have become a celebration of international brotherhood, competition, sportsmanship, goodwill and peace, and demonstrate to all people of the world the unity of our common humanity; and

WHEREAS, After losing their independence in 1453, the Greeks bravely endured almost four centuries of foreign occupation, preserving their culture, language and religion in the face of oppression; and

WHEREAS, In 1821 at the monastery of Agia Lavras, Bishop Germanos of Patras chose the Feast of the Annunciation of Theotokos, one of the holiest days for Greek Orthodox Christians, to deliver the message that a new spirit was about to be born in Greece as he raised the banner of revolution to mark the beginning of the war of independence against the Ottoman Empire; and

WHEREAS, After a long, hard-fought struggle that lasted 8 years and involved countless sacrifices from the people of Greece for the cause of freedom, the independence of Greece was finally recognized with the signing of the Treaty of Andrianople on September 2, 1829; and

WHEREAS, In the late 19th Century, many Greek families sent their sons to the United States to earn wages and eventually return to Greece to buy land there, and in the pursuit of this dream, some of these immigrants made their way west to labor on the railroads and in the mines of Nevada; and

WHEREAS, Although, in the spirit of patriotism, many Greeks working in America returned to their motherland during the Balkan Wars to fight on behalf of their country, immigration to America resumed after World War I with the new dream of establishing homes and businesses, and these Greek Americans brought with them the cultural and social traditions of Greece which have helped create the diversity that gives strength to this Country; and

WHEREAS, The ideals of ancient Greece have influenced modern culture with important contributions in art, drama, literature, philosophy, government, mathematics, science and architecture, and the Greek Americans of today continue this legacy as they add their unique talents and traditions to the mosaic that is the United States of America; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby recognize March 25, 2005, as Greek Independence Day in Nevada and join the entire Nation as it celebrates "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and be it further

RESOLVED, That all residents of Nevada are called upon to remember and cherish the democratic principles and love of freedom that are our heritage from ancient Greece and to show appreciation for the many contributions that Greek Americans have made to our Country and our State.

Senator Titus moved the adoption of the resolution.

Remarks by Senator Titus.

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

I would like to remind this body that last Friday I mentioned it was Greek Independence Day. These resolutions speak to the many contributions that Greeks have made not only to the world but also to this Country and to this State.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 13—Recognizing the contributions of the Hellenic Macedonian people to the creation, preservation and enhancement of the Hellenic culture of Greece throughout the world.

WHEREAS, Archeological evidence reveals that old European civilization flourished in Macedonia between 7000 and 3500 B.C. and the name "Macedonia" is the oldest surviving name of a country on the continent of Europe; and

WHEREAS, Throughout its history, the present-day Greek territory of Macedonia has been a crossroads for both traders and conquerors moving between the European continent and Asia Minor and each of these transiting powers left its mark on the region, giving rise to a rich and varied cultural and historical tradition; and

WHEREAS, The first Greeks arrived in the area in approximately 2500 B.C. and, in conjunction with their settlements along the coastline of the Aegean Sea, settled the interior and influenced the art and politics of Macedonia; and

WHEREAS, Philip II raised Macedonia into a great European power and his ancient kingdom reached its height during the reign of Alexander the Great, who extended Macedonia's influence over most of Asia Minor, the Levant, Egypt, Mesopotamia, Persia, and even parts of India, and produced a lasting extension of Greek culture and thought across the ancient Near East; and

WHEREAS, During the centuries of occupation by the Romans and then the Turks, the Hellenic Macedonian people clung fiercely to their Hellenistic character and beliefs and carried them into their society today; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby recognize the contributions of the Hellenic Macedonian people to the creation, preservation and enhancement of the Hellenic culture of Greece throughout the world.

Senator Titus moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Heck moved that Senate Bill No. 120 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Heck.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Human Resources and Education:

Senate Bill No. 367—AN ACT relating to pupils; providing that a pupil who is suspended or expelled from a public school may enroll in a program of independent study, in a program of distance education or in a charter school 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. 368—AN ACT relating to education; requiring the plans to improve the achievement of pupils to include strategies for the professional development of teachers and administrators that directly address the needs of pupils; revising provisions governing the professional development provided to teachers and administrators; requiring the governing body of each regional training program for the professional development of teachers and administrators to review certain plans to improve the achievement of pupils; 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 Finance:

Senate Bill No. 369—AN ACT relating to the judiciary; revising the provisions governing the retirement benefits of retired justices of the Supreme Court and district judges; providing that certain fees collected on the commencement of certain district court actions be credited for the support of specialty court programs; providing that a portion of certain administrative assessments be credited for the support of specialty court programs; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 370—AN ACT making an appropriation to the Nevada Cancer Institute for certain research, educational and outreach expenses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 371—AN ACT making an appropriation to the Office of the Military for additional personnel to assist in preserving and enhancing military installations in Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 372—AN ACT making an appropriation for the construction of a regional juvenile detention facility in Ely, Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 373—AN ACT making an appropriation to the Western Folklife Center for the expansion of the public area and the exhibit gallery, and for the renovation of the second and third floors to accommodate archives and offices; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 374—AN ACT making an appropriation to the Nevada Commission on Sports for costs relating to the submission of an application to host the Winter Olympic Games in 2014; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 375—AN ACT making an appropriation to the University of Nevada School of Medicine for certain expenses of the Pediatric Dental Residency Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 376—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 Raggio moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 377—AN ACT relating to state financial administration; revising the distribution of federal money received by the State of Nevada

from the lease of federal lands; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation and Homeland Security:

Senate Bill No. 378—AN ACT relating to motor vehicles; authorizing a city or county to designate a highway within the city or county as permissible for operation of off-road vehicles; exempting an off-road vehicle from the requirement of registration under certain circumstances; 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 Transportation and Homeland Security:

Senate Bill No. 379—AN ACT relating to highways; authorizing a local authority to place and maintain an official traffic-control device on certain highways without the prior approval of the Department of Transportation under certain circumstances; 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 Transportation and Homeland Security:

Senate Bill No. 380—AN ACT relating to homeland security; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the Commission to approve the submission of an application by a response agency for a grant relating to acts of terrorism or other related emergencies; requiring a response agency to adopt and implement any national system administered by the United States Department of Homeland Security for preventing and responding to acts of terrorism; revising provisions relating to membership of the Commission; revising provisions relating to exceptions to the Open Meeting Law; revising provisions relating to appointment of committees of the Commission; revising provisions relating to the inspection, copying, duplication or reproduction of restricted documents; revising provisions relating to emergency response plans; 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 Transportation and Homeland Security:

Senate Bill No. 381—AN ACT relating to structures; authorizing the Administrator of the Manufactured Housing Division of the Department of Business and Industry to establish a system for the issuance and renewal of permits for certain activities relating to commercial coaches; authorizing the Administrator to establish fees for such a system; and providing other matters properly relating thereto.

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

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 93.

Bill read third time.

Roll call on Senate Bill No. 93:

YEAS—21.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 120.

Bill read third time.

Remarks by Senators Carlton, Heck, Tiffany, Washington, Titus, Schneider and Nolan.

Roll call on Senate Bill No. 120:

YEAS—19.

NAYS—Care, Mathews—2.

Senate Bill No. 120 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:41 a.m.

#### SENATE IN SESSION

At 11:48 a.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. 9.

## REMARKS FROM THE FLOOR

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

I am pleased to announce that the University of Nevada, Reno (UNR), and PackPAWS joined thousands of sports educators, coaches, athletic directors, students and parents across the Country to celebrate the annual National Girls and Women in Sports Day on February 9, 2005. The United States Congress chartered the day in 1987 to honor female athletic achievement and to recognize the importance of sports and fitness participation for all girls and women. PackPAWS has celebrated the event for a number of years in a variety of ways.

This year's theme "More than a Game" was apparent as UNR hosted the local celebration on February 12, 2005, in conjunction with the women's basketball victory against University of Texas at El Paso. The festivities began with athletes from the Wolf Pack women and men's teams leading an interactive session to showcase their sport and raise awareness about the positive impact of sports for youth. Over 400 of the area's youth participated in the event at Lawlor Events Center. Additional activities included the presentation of WAC (Western Athletic Conference) championship rings to the women's track and field team by Patty Sheehan and a middle school basketball scrimmage. The day was a huge success raising awareness of the importance of women's athletics and the positive impact of our women and men athletes as role models in Nevada.

The continued support by the Legislature of Nevada athletics and the recognition of National Girls and Women in Sports Day continues to increase the visibility for female athletes, advance their struggle for equality in sports and contribute to the ever-increasing understanding of the positive influence of sports for girls.

By promoting women's sports, getting to know the teams, attending competitive events and financially supporting fund-raising events, PackPAWS has assisted the Wolf Pack Athletics Department in expanding the women's program at the University of Nevada.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Jessica Salmela and Cailen Wachob.

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

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Dr. Robert Fowler, Hannah Brown, Elsie Lewis, Dean Ishman, Reginald Morris, Mary Abel, Louis Overstreet, Cordell Stokes, Tyrone Thompson, Ernest Fountain, Cynthia Pitts, Jeannie Stokes, Cedric Crear, Reverend Ralph Williamson, Bobbie Mullins and Reverend Emmanuel Wasson.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Cary Groth, Cindy Fox, Juli Petronski and Kim Gervasoni.

On request of Senator Tiffany, the privilege of the floor of the Senate Chamber for this day was extended to Terran Hadlock.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Bach-lan Pham.

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



On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Sara Frank.

Senator Raggio moved that the Senate adjourn until Tuesday, March 29, 2005, at 11 a.m. and that it do so in memory of Edwina Pryor.

Motion carried.

Senate adjourned at 11:52 a.m.

Approved:

LORRAINE T. HUNT  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*