

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 30, 2005

Senate called to order at 11:05 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. John Jackson.

Heavenly Father,

We thank You today for the opportunity to, again, be greeted by another day. Thank You for the gift of life, and thank You for the hope that each new day brings.

Guide these men and women as they bring leadership to our State.

We ask for Your wisdom as we give our best to pursuing the future that lies ahead.

Thank You for the gift of hope that is resident in the Easter season through the resurrection of Jesus Christ.

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.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 29, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 86.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 489.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 14.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 489.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 89.

Bill read third time.

Roll call on Senate Bill No. 89:

YEAS—21.

NAYS—None.

Senate Bill No. 89 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202.

Bill read third time.

Roll call on Senate Bill No. 202:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 202 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 13.

Bill read third time.

Roll call on Assembly Bill No. 13:

YEAS—21.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96.

Bill read third time.

Roll call on Assembly Bill No. 96:

YEAS—21.

NAYS—None.

Assembly Bill No. 96 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 130.

Bill read third time.

Roll call on Assembly Bill No. 130:

YEAS—21.

NAYS—None.

Assembly Bill No. 130 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 131.

Bill read third time.

Roll call on Assembly Bill No. 131:

YEAS—21.

NAYS—None.

Assembly Bill No. 131 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 135.

Bill read third time.

Roll call on Assembly Bill No. 135:

YEAS—21.

NAYS—None.

Assembly Bill No. 135 having received a two-thirds 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 11:23 a.m.

SENATE IN SESSION

At 4:54 p.m.

President Hunt presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 278, 334, 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 Judiciary, to which were referred Senate Bills Nos. 209, 270, 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

Madam President:

Your Committee on Taxation, to which were referred Senate Bills Nos. 169, 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MIKE MCGINNESS, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

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

Senate in recess at 4:55 p.m.

SENATE IN SESSION

At 5:02 p.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblymen Atkinson and Hardy were at the bar of the Senate. Assemblyman Atkinson invited the Senate to meet in Joint Session with the Assembly to hear Representative Jon Porter.

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

Senate in recess at 5:03 p.m.

IN JOINT SESSION

At 5:09 p.m.

President Hunt presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Care, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

Madam President appointed a Committee on Escort consisting of Senator Hardy and Assemblyman Seale to wait upon the Honorable Representative Jon Porter and escort him to the Assembly Chamber.

Representative Porter delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA SEVENTY-THIRD SESSION, 2005

Thank you very much. It is great to be home. I see some familiar faces, sitting in the Senate. I can remember a few years ago, I think Randolph would say, "Jon, we really have to listen to that federal delegation. When there is a member here from Washington, we really have to go." I would say, "Are you sure we have to go?" Randolph said, "Nah, we do not have to go listen to those guys from Washington." Randolph, thanks for being here, today. It means a lot to me.

I know you have a lot of business to do, and I appreciate your hospitality, and I appreciate the honor of being here with all of you who are doing such a great job for the State of Nevada. It is like coming home as I mentioned.

Let me tell you, every day, I am so proud of Nevada. I have the opportunity to sing the praises of everyone in this room to local governments, our constituents, to our business community and to our families. We have a chance, here in Nevada, to set the stage for the rest of our Country. I

have, many times, visited some of our men and women in uniform, in Bethesda or in Walter Reed Army Hospital. I know that our prayers go out to all those individuals, their families and loved ones, especially, those that have paid the ultimate sacrifice by giving their life. I visited these folks in the hospital. One gentleman was run over by a tank and many have lost their arms and limbs. It is heartwarming to see how proud they are to serve their Country.

I would traditionally say that I was a Congressman from the State of Nevada. They would say, "That is nice, Congressman. How are things in Nevada?" Of course, I would talk a bit about their family and what was happening. Finally, one individual said, "Have you ever been to Las Vegas?" He had a twinkle in his eye. I represent the State of Nevada, even though my district is in southern Nevada, I represent everyone. I am proud to say that I represent the whole State. But, I will tell you what I learned from that individual as he had a twinkle and said, "I want to come to Las Vegas sometime," and another gentleman down the hall said, "I was there before I went in the service; I got married there," or "I am going to go to Las Vegas and have a party." I now introduce myself as the Congressman from the state of Las Vegas. Please, to my friends in northern Nevada and my friends in Boulder City, Henderson and North Las Vegas, I represent all of you, but I think it is interesting to note that there are many people out there that are watching what is happening in Nevada so I like to mention Las Vegas. If we can put one little sparkle in their eye, I think that is the way to do it because they all want to visit us and see what is happening.

I brag about Las Vegas; I brag about North Las Vegas and northern Nevada. But, you know what? It is all real. Look what has happened in Nevada. We are the bellwether for the rest of the Country. We have created close to 70,000 new jobs in the last year, another 10,000 new jobs are going online this month or the end of April at the Wynn Resort. The best housing starts in the Country, and the unemployment rate is under 4 percent which is unheard of. Look what we have done as a community with strength in our local government, our state government, a resilient business community and families that have worked together. We have weathered many storms looking back at least the 30 years I have been here. I am proud and will continue to be proud of Nevada and what we have accomplished.

There is also something else I would like to brag about. We have a Delegation in Washington, five of us that work well together. We do not always agree; but we work well together whether it is making sure that we can continue to receive our Southern Nevada Public Lands funds, fighting to make those funds stay here, making sure that Medicaid dollars keep coming to Nevada, education dollars, we work together. That is what it is all about here in Carson City. Your successes have been about working together as a team. I am so proud to say that my colleagues are there for you all the time. I know I am the fifth member, and you have probably heard a lot of things you do not want to hear about, but I want to spend a moment and explain to you how well we work together as a delegation.

If we look at the history of Yucca Mountain, 20 years ago, who would have guessed that we would have been able to stop it as we have today? That has come about because of prior federal delegations that have been there, this Legislature and business leaders. Even Brian Sandoval, in the halls of justice, has been successful in setting back the Yucca Mountain project. Something is happening April 5. I was appointed as chairman of a subcommittee. I am honored to be the chairman of the subcommittee. I have jurisdiction over every federal agency, whether it be IRS—we love the IRS—whether it be DOE, BLM, any federal agency and the federal workforce. A few weeks ago, there was a revelation. That is allegations that there were falsified documents having to do with the science, the data collected at Yucca Mountain. On April 5, our delegation, Senator Reid, Senator Ensign, Shelley Berkley, Jim Gibbons, the Governor and Brian Sandoval will have another opportunity, as I chair the committee, to hear about the allegations against the Department of Energy and the U.S. Geological Survey, how there has been, supposedly, falsification of data regarding water, the seepage and the safety at Yucca Mountain. We are going to have all sides of the story, but my jurisdiction is over federal employees. My jurisdiction is to make sure that we have the best federal employees and that they tell the truth. This issue, regarding the falsified documents, is the tip of the iceberg. We expect that there may well be additional information. One more opportunity, for us as a state, to work together to stop the Yucca Mountain project.

As we look at other serious challenges for the State of Nevada, and I touched on Medicaid funding, with the Delegation, we are fighting the reduction of funds into Nevada and education dollars making sure we get our fair share. As you know, that has been a challenge as we are one of the fastest growing states in the Country. We are one of the fastest growing school districts in the Country with 2,000, statewide, new teachers. We need to make sure that we can retain these teachers. It has been a passion for me for many years to provide for our professional teachers, the training for our students and our families. Right now, I will applaud George Ann Rice who is going to be retiring soon from the Clark County School District. George Ann Rice came to me with a program, and we were able to allocate about \$1.5 million to help retain teachers. We need to hire 2,500 new ones, but we are also losing "x" amount of teachers a year. This program is in place. It has been in place for about a year, and I encourage, as it goes before the committees here in Carson City, that you continue funding it. It is about the retention of teachers and providing for mentors to help teachers, especially, the new teachers, who have moved here from Iowa, Minnesota or California as they get to know our State of Nevada and our school districts. It is working well, and I would like to take a moment to applaud George Ann Rice who, again, I know is retiring, but she has done really a tremendous job.

I have been reading with interest what is happening with all-day kindergarten. There is no question; in Nevada we need all-day kindergarten. I know there are substantial funding challenges, but I also know the importance of making sure these kids get one extra chance, especially those kids that are low income or have other cultural challenges. I know that funds right now are a challenge so what I am doing as a member of the Education and Workforce Committee is working with our committee, twofold. One is to provide an additional tax incentive to these families for music, arts and for all-day kindergarten to try to help them get their kids into the schools. We are, also, working with the health grants to help the State of Nevada to possibly find some additional funding for all-day kindergarten. I encourage the program, and I applaud you because I know it has been a major debate, especially in the last couple of weeks. Thank you.

As we talk about Nevada and where we have been, it is an honor for me and will continue to be an honor for me to send the message that we have unique challenges in Nevada. I was speaking to a member of Congress the other day from Virginia, a friend of mine, and we were comparing notes about education. He said, "Jon, how many new kids in the school districts in Nevada last year?" I said, "About 17,000." It was kind of a quick conversation, but he said, "Jon, you know, we had 1,700." I said, "Do you understand, 1,700 compared to 17,000?" He gave me this blank stare. He did not quite grasp the magnitude, but whether it is education, mental health, public land issues, funding social services, what we have to continue to do as members of Congress is make sure that our colleagues, and you are a part of that message, understand the unique challenges for the State of Nevada, especially with our growth. Although, we have so much to brag about and we are proud to be Nevadans, we need to make sure, from a federal perspective, that we continue to fund the programs and reduce the number of unfunded mandates that continue to come down to you from Washington, D.C.

You know, it is an evening filled with tax debate, and I know you want to get back to finish your meetings tonight. As I mentioned, giving Randolph a hard time, I remember I did not want to show up for these meetings. Know that I appreciate and I applaud all of you for taking the time to be here. I look forward to answering any questions that you might have after the meeting, but let us look back to where we have been as a state. In the 70s we had major strife with labor relations. Today, our relations with labor are a model for the rest of the Country. We look at what we have done with Yucca Mountain for the last 20 years. We look at what we have done in setting a standard for an economy that is starting to move across this Country because our rooms are full and we are getting people back to work. Many of my colleagues would love to have some of the challenges that we have here in Nevada.

Let me conclude by saying thank you all very much. As you enter your debates and you finish the next few weeks and the next month or so, keep in mind that in Washington we can learn from your ability to work together because at the end of the day you come together and do what is best for Nevada. Thank you all very much. I am honored to be here, and I look forward to seeing you all, again, in the near future. May God bless America and bless the State of Nevada.

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

Motion carried.

The Committee on Escort escorted Representative Porter to the bar of the Assembly.

Senator Heck moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:28 p.m.

SENATE IN SESSION

At 5:34 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 Resolutions Nos. 12 and 13.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

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

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Jay Aston and Dean Leavitt.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Steve Brown, Angelo Carvalho and Dilip Trivedi.

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

Senator Raggio moved that the Senate adjourn until Thursday, March 31, 2005, at 10:30 a.m.

Motion carried.

Senate adjourned at 5:36 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate