

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 6, 2005

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

President Hunt presiding.

Roll called.

All present except Senator Coffin, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

O Lord, our Governor,

Bless the leaders of this land, that we may be a people at peace and a blessing to other nations. To the members of the Senate gathered here, give courage, wisdom and foresight to provide for the needs of all our people and to fulfill our obligations in the community of nations. Teach us to rely on Your strength and to accept our responsibilities to all citizens that we may serve You faithfully in our generation. 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 Commerce and Labor, to which were referred Senate Bills Nos. 111, 152, 210, 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair**Madam President:*

Your Committee on Finance, to which was referred Senate Bill No. 122, 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 Government Affairs, to which was referred Senate Bill No. 417, 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 Judiciary, to which were referred Senate Bills Nos. 76, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair**Madam President:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEAN A. RHOADS, *Chair*

Madam President:

Your Committee on Taxation, to which were referred Senate Bills Nos. 218, 321, 393, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Senate Bills Nos. 170, 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

Madam President:

Your Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 6, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 494, 495, 496.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 320, 444.

GARY GHIGGERI

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 3.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 25.

Amend the resolution, page 2, lines 19, 20, 41 and 42, by deleting "Council" and inserting "Center".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

By Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Tiffany, Titus, Townsend, Washington, Wiener; Assemblymen Carpenter, Allen, Anderson, Angle, Arberry Jr., Atkinson, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith and Weber:

Senate Concurrent Resolution No. 16—Recognizing the unveiling of the statue of Sarah Winnemucca in the National Statuary Hall in the United States Capitol in Washington, D.C. and celebrating the unveiling of a replica of the statue at the Nevada State Capitol in Carson City.

WHEREAS, In 1864, Congress established the National Statuary Hall in the Old Hall of the House of Representatives in the United States Capitol and authorized each state to contribute two statues that represent important historical figures of that state to the National Statuary Hall; and

WHEREAS, In 2001, the Nevada Legislature approved a bill providing for the creation of a statue of Sarah Winnemucca for placement in the National Statuary Hall Collection located in the United States Capitol in Washington, D.C. and provided for the designation of a committee to select an artist to create the statue and approve its design; and

WHEREAS, Nevada's First Lady Dema Guinn served as Honorary Chair of the Sarah Winnemucca Selection Committee and also spearheaded efforts by the Nevada Women's History Project to raise the funds necessary for completing and placing the original statue in the United States Capitol and a full-size replica of the statue in the Nevada State Capitol in Carson City; and

WHEREAS, The Nevada Department of Cultural Affairs provided administrative support for the project, ensuring that all funds raised were spent on the creation, transportation, documentation and placement of the statues; and

WHEREAS, Sarah Winnemucca, born near Nevada's Humboldt River in about 1844, was the daughter of Chief Winnemucca and the granddaughter of the formidable Chief Truckee of the Northern Paiute Tribe, who led John C. Fremont and his men across the Great Basin to California; and

WHEREAS, Sarah Winnemucca's life was filled with remarkable achievements, including serving as an interpreter for the United States Army and the Bureau of Indian Affairs, serving as a scout, peacemaker and interpreter during the Bannock War of 1878, becoming the first Native American woman to write and publish a book, and establishing a nongovernmental school for Paiute children that became a model for future educational facilities for Native American youth; and

WHEREAS, As a tireless spokeswoman for Native Americans, Sarah Winnemucca was an advocate for the rights of her people throughout the United States and even brought her message before President Rutherford B. Hayes and the Congress of the United States; and

WHEREAS, In fighting for justice, peace and equality for all persons, Sarah Winnemucca represented the highest ideals of America; and

WHEREAS, Sarah Winnemucca's wisdom, activism and determination made an invaluable and enduring contribution to the political and cultural history of Nevada; and

WHEREAS, On March 9, 2005, a 6-foot-4-inch bronze statue of Sarah Winnemucca, sculpted by artist Benjamin Victor, was unveiled in the rotunda of the United States Capitol before a delegation of state and national officials and hundreds of Nevadans; and

WHEREAS, Today, April 6, 2005, a full-size replica of the Sarah Winnemucca statue representing Nevada in the United States Capitol is being unveiled at the Nevada State Capitol in Carson City; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Nevada Legislature is hereby proud to recognize the unveiling of the statue of Sarah Winnemucca and its inclusion in the National Statuary Hall Collection at the United States Capitol in Washington, D.C.; and be it further

RESOLVED, That the Nevada Legislature is honored to celebrate the unveiling of a full-size replica of the Sarah Winnemucca statue at the Nevada State Capitol in Carson City which will serve to memorialize her lifetime of accomplishments and signify her position as a distinguished citizen of this State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Governor Kenny Guinn and Nevada's First Lady Dema Guinn, to each member of the Nevada Congressional Delegation, to Scott K. Sisco, Interim Director of the Department of Cultural Affairs, to Joan M. LeMere, State President of Nevada Women's History Project, and to artist and sculptor Benjamin Victor.

Senator Rhoads moved the adoption of the resolution.

Remarks by Senator Rhoads.

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

In March, there was a dedication of the Sarah Winnemucca statue in the National Statuary Hall in Washington, D.C., which was attended by our Governor and First Lady along with many other dignitaries and many American Indians. I think it is overdue for the American Indian to be honored. We have a special day honoring Martin Luther King Jr., a day to honor the Irish on St. Patrick's Day and many other special days honoring other nationalities. However, we have never done anything to honor the Native Americans. We took their country away from them, and it is time. It is good that we have a statue in Washington, D.C., to honor Sarah Winnemucca, a Native American. I ask for your support of this resolution.

Resolution adopted.

Senator Rhoads moved that all rules be suspended and that Senate Concurrent Resolution No. 16 be immediately transmitted to the Assembly.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 301.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 449 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Horsford.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.

Bill read third time.

Roll call on Senate Bill No. 23:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Senate Bill No. 23 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 33.

Bill read third time.

Roll call on Senate Bill No. 33:

YEAS—13.

NAYS—Care, Carlton, Horsford, Mathews, McGinness, Titus, Wiener—7.

EXCUSED—Coffin.

Senate Bill No. 33 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bills Nos. 41, 118 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 94.

Bill read third time.

Roll call on Assembly Bill No. 94:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Assembly Bill No. 94 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95.

Bill read third time.

Roll call on Assembly Bill No. 95:

YEAS—20.

NAYS—None.

EXCUSED—Coffin.

Assembly Bill No. 95 having received a constitutional majority,
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 11:31 a.m.

SENATE IN SESSION

At 11:35 a.m.

President Hunt presiding.

Quorum present.

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 Renee Billman.

On request of Senator Lee, the privilege of the floor of the Senate Chamber
for this day was extended to John Hunt.

On request of Senator McGinness, the privilege of the floor of the Senate
Chamber for this day was extended to Nicole Card, Lindsay Carey, Jordyn
Dunn, Shawn Fitzpatrick, Mary Hardy, Daria McFadden, Rachelle Wenger
and Gary Cordes.

On request of Senator Rhoads, the privilege of the floor of the Senate
Chamber for this day was extended to Shammy McLain, Maliki McLain,

Teldin McLain, Bob Harmon, Benjamin Victor, Julie Victor, Caleb Victor, Audrey Victor and Billie Brinkman.

Senator Raggio moved that the Senate adjourn until Thursday, April 7, 2005, at 11 a.m. and that it do so in memory of Deputy Chief Lonnie Jackson as requested by Senator Mathews.

Motion carried.

Senate adjourned at 11:36 a.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate