

**THE NINETY-FOURTH DAY**

---

CARSON CITY (Wednesday), May 11, 2005

Senate called to order at 11:06 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, as we gather in this place today, we give You thanks and praise because Your mercies are new every morning, and Your thoughts towards us are gracious, long suffering and abounding in goodness and truth.

In the midst of the pressures and demands of this Session, may we be reminded by King David's advice from Psalm 55, "Cast your burden on the Lord, and He will sustain you. He will never permit the righteous to be moved."

May the people of Nevada benefit because of the wisdom and understanding You give to our Legislators in their deliberations and decisions. Bless the men and women of this Senate, their families and staff.

In the Name of the Most High God,

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. 501, 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 Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

*Madam President:*

Your Committee on Taxation, to which were referred Assembly Bills Nos. 392, 393, 547, 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 Assembly Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 10, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 130, 210, 243, 250, 408.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 114, 493.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 34.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 658 to Assembly Bill No. 203.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 484 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

By Senators Coffin, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, Wiener; Assemblymen Giunchigliani, Allen, Anderson, Angle, Arberry Jr., Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, 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. 36—Memorializing former Assemblywoman Eileen Brookman.

WHEREAS, All Nevadans were deeply grieved at the passing of former Nevada Assemblywoman Eileen Brookman, who died in her home in Las Vegas on July 1, 2004, after a battle with cancer; and

WHEREAS, Eileen Milstein was born on October 25, 1921, in Denver, Colorado, and attended Eagle Rock High School in Los Angeles, California, and Los Angeles City College; and

WHEREAS, Eileen married George Brookman on July 11, 1941, while he was in the Army, and after the birth of their two children, the family moved to Las Vegas, where George became a general contractor and Eileen entered the political arena; and

WHEREAS, In 1966, Eileen Brookman was elected to the first of eight terms in the Nevada Assembly, serving in each legislative session from 1967 through 1977 as well as in the 1987 and 1989 Sessions; and

WHEREAS, Eileen Brookman truly earned the appellation "the embodiment of a citizen Legislator" as, in her own words, she fought for "the little people" by advocating for senior citizens, persons with disabilities, minorities, persons with low incomes, women, who were not as well-represented in the Legislature as they are now, and children; and

WHEREAS, "Queenie," as she was fondly nicknamed by those who admired her, was a sponsor of such legislative milestones as the reorganization of the Nevada National Guard and adoption of the Nevada Code of Military Justice, creation of the Aging Services Division of the Department of Human Resources, prohibition of discrimination in private employment on the basis of age, entitlement of senior citizens to vote by absent ballot, passage of the "hate crimes"

bill for Nevada and creation of the Governor's Advisory Council on Education Relating to the Holocaust; and

WHEREAS, Eileen Brookman's dedicated service to the people of this State was demonstrated by her participation on many different committees in the Assembly, and by her service as Chair of the Assembly Committee on Federal, Indian and Military Affairs and the Assembly Committee on Legislative Functions; and

WHEREAS, Many former colleagues warmly remember Eileen as a mentor, mother, sister, nurse and friend around whose desk they often gathered for practical assistance or nurturing; and

WHEREAS, Eileen Brookman's service to our State was not only in the Legislature but also consisted of her participation in the Indian Affairs Commission, the Las Vegas Ethics Review Board and numerous other civic organizations, as well as her chairmanship of the Taxicab Authority of the Department of Business and Industry; and

WHEREAS, Many honors have been bestowed upon this dynamic woman including Woman of the Year for Clark County, Humanitarian Mother of the Year Award for Clark County, the Nevada Distinguished Citizen Award from the Board of Regents of the University of Nevada, and the Brotherhood Award of the National Conference of Christians and Jews; and

WHEREAS, Eileen was not only dedicated to serving the people of Nevada but also recognized the priorities of being a wife and mother; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature offer their sincerest condolences and heartfelt sympathy to the family and many friends of Eileen Brookman, a dedicated, energetic, caring woman who fought for the rights of those who most needed a voice; and be it further

RESOLVED, That the rich legacy left by Eileen Brookman lives on in her family, the changes that she instituted through legislation as an Assemblywoman in Nevada, the elementary school in Las Vegas that is named in her honor and the hearts of all those who knew and appreciated her; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to George Brookman, Eileen's husband of 62 years, and to her daughter, Deborah.

Senator Coffin moved the adoption of the resolution.

Remarks by Senator Coffin.

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

Thank you, Madam President. Eileen Brookman's memory is special to me. I entered the political life in the early 1960s. Eileen Brookman was active in Democratic Party politics at that time. She became a member of the central committee of the Democratic Party in 1965 in Clark County. I remember her fondly during one tumultuous convention when the Democratic Convention really meant something. Fights were breaking out on the floor of the 1966 convention. Chairs were flying, and I remember my first vision of Eileen Brookman as she was standing on a chair pumping her fist cheering those on who were fighting. Eileen, being only about 4' 10" tall, had to stand on a chair to be seen. She did not want to get into the fight, but she wanted to make certain the right side won. She cheered for that side with all of her heart.

She was elected to the Assembly. Because of her stature, she realized when she entered the Assembly Chamber in 1967 and saw the size of the Chamber and that it was filled with much larger people than she, she could not be seen. That is when she adopted the custom of wearing orange each day so that she could be seen by the presiding officer. There was heck to pay if she was missed so she made it easy to be seen. She set a tradition to follow for Assembly District 9. After she retired, former Senator Helen Foley took her place in the Assembly. Helen served one term, then I took the seat. During my campaign, I adopted the color orange because everyone in District 9 knew that orange color. It was blessed. I was blessed with a nice record of election wins because of that color. I had "Queenie's" blessings at all times.

Tragically, she passed away. More tragically, too late for me to have the resolution changed, her husband, George, also passed away just three weeks ago. George and Eileen were inseparable. They were married for 62 years. The two closest friends of George and Eileen were Mike and Carolyn O'Callaghan. For us to lose all four of them within a year is a loss. They all

lived in my district and are remembered by all of you. It hits me hard that this resolution needs to be corrected before its final printing to reflect that we will be sending a copy of this resolution to her last surviving descendent, Deborah, who could not be here, today.

One of the things I treasure most about Eileen's legacy is a little owl she made for me. It was stuffed with beans. She realized that as the sessions progressed, the bill books became heavy and difficult to manage for a person with small hands. She made orange beanbags in the face of an owl on them to remind her to be wise. She would use them as her bookmarks. No simple piece of paper could mark a book for Eileen Brookman. I have one she made and will treasure it always.

One piece of legislation is to be remembered. One reason ladies do not have to crawl under the door of a pay toilet when they do not have the money is because of Eileen. She sponsored the legislation and pushed it to have it passed to eliminate pay toilets. Such a simple thing in our lives, but pay toilets are no longer an inconvenience to us because of Eileen.

I hope we will remember Eileen and George in our prayers and that we remember the wonderful legacy she left for us all.

Resolution adopted.

Senator Coffin moved that all rules be suspended and that Senate Concurrent Resolution No. 36 be immediately transmitted to the Assembly.

Motion carried unanimously.

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

Senate Concurrent Resolution No. 37—Congratulating the Virginia City High School boys' basketball team for winning the 2005 Nevada Interscholastic Activities Association 1A State Basketball Championship.

WHEREAS, Excitement and tension were at their peak on Saturday, February 26, 2005, as Mich McDowell of the Virginia City Muckers made the game-winning shot in the last 5 seconds of play to lift the Muckers to a 63 to 61 victory over the Lake Mead Eagles in the Nevada Interscholastic Activities Association (NIAA) 1A boys state basketball championship game at the Orleans Arena in Las Vegas; and

WHEREAS, Virginia City has a strong tradition of basketball, and teams through the years have won 17 state titles, by far the most in the history of Nevada, with 6 state titles between 1962 and 1967, and an amazing winning streak of 93 games and five state championships between 1982 and 1986; and

WHEREAS, Individual members of this year's winning team were presented with awards for First Team All-Division, Second Team All-Division and Honorable Mention, as well as two sportsmanship awards; and

WHEREAS, The championship team, consisting of Nathan Adaki, Cory Dacha, Zack Dotson, Miles Lugo, Kevin Lynch, Mich McDowell, Chad Sprong, Sam Turman and Andy Wilson, not only proved its excellence on the basketball court, but also won the 1A State Academic title with a 3.72 team grade point average; and

WHEREAS, The Muckers have consistently been supported, inspired and cheered on by the people of the historic mining town of Virginia City and, with the aid of manager Skyler Jones, were led to this year's victory by Coach Hector Bucchianeri, who was awarded Coach of the Year, and Assistant Coach, Deny Dotson; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby extend their congratulations to the Virginia City High School boys' basketball team for winning the NIAA 1A State Basketball Championship; and be it further

RESOLVED, That the achievements of the members of the Muckers basketball team in the areas of academics and athletics are recognized as an example for their schoolmates and all young people of Nevada as they strive for excellence in their lives; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Todd Hess, Principal and Athletic Director of Virginia City High School, and to Coach Hector Bucchianeri.

Senator Amodei moved the adoption of the resolution.

Remarks by Senator Amodei.

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

Thank you, Madam President. Sometimes I am a little antiresolution especially at this time in the session, but it is special to talk with and about people from the birthplace of Nevada, Virginia City.

This resolution represents the only boys' basketball team from north of Beatty to win a championship this year. This also represents the only team to win a boys' basketball championship this year that is from a public high school. It is the first time anyone can remember that they have also achieved an academic championship. It is my pleasure to ask your support of this resolution. Let us strike a blow for the public schools of Nevada as well as the only school from northern Nevada to win a boys' basketball championship this year.

Resolution adopted.

Senator Amodei moved that all rules be suspended and that Senate Concurrent Resolution No. 37 be immediately transmitted to the Assembly.

Motion carried unanimously.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 11, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 31.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 31—Recognizing May as Older Americans Month in Nevada.

WHEREAS, In 1963, President John F. Kennedy established the month of May as "Senior Citizens Month," which was renamed "Older Americans Month" in 1980, and for the past 42 years, May has been designated as the month during which we acknowledge, as a nation, the extraordinary and varied contributions of older Americans living in the United States; and

WHEREAS, Older Americans are among our greatest treasures and provide us with invaluable links to the past as well as counsel for the future as these vital citizens continue to make significant contributions to our communities, through civic leadership and mentoring, and in our homes, by sharing their wisdom and experience; and

WHEREAS, Today, one in six Americans is 60 years of age or older and, of those 44 million people, almost 400,000 reside in Nevada; and

WHEREAS, The United States is in the midst of a boom in the aging population with people living longer and staying healthier and more active much later in life, and this expanding elder population requires our continued commitment to the goal of ensuring that our senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity; and

WHEREAS, This year marks the 40th anniversary of the passage of the Older Americans Act by the United States Congress, and the Administration on Aging, which was established by that Act, has chosen the theme "Celebrate Long-Term Living" to recognize that people are not only adding years to their lives but life to their years; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Session of the Legislature hereby recognizes May as Older Americans Month in Nevada and pays tribute to the older residents of this State for their many contributions to our country, our State, our communities and our families; and be it further

RESOLVED, That all Nevadans are urged to treat older Americans with the respect they deserve and to recognize the responsibility of each of us to ensure that our senior citizens enjoy active, productive and healthy lives as we celebrate and honor the richness and beauty of their many years lived in service to others.

Senator Wiener moved the adoption of the resolution.

Remarks by Senators Wiener and Raggio.

Senator Wiener requested that the following remarks be entered in the Journal.

SENATOR WIENER:

Thank you, Madam President. I rise in support of Assembly Concurrent Resolution No. 31.

As we work our way through the last month of the Legislative Session, it is a privilege for me to take a moment to honor the people in our Country, our State and communities who have given so much to the rest of us. I am speaking about the Older Americans who have set an example for the rest of us in how to maximize our lives.

Since 1997, I have served as the State Senate's member on the Nevada Commission on Aging. This makes me especially proud to salute the Older Americans who call Nevada "home."

Assembly Concurrent Resolution No. 31 pays tribute to Older Americans Month which this year has adopted the theme "Celebrate Long-Term Living!" What an appropriate message this is.

During the last century, the average American life span has almost doubled. Older Americans are now living longer and healthier lives than ever before. Today, one in six Americans is 60 years or older. I can demonstrate this impact in an even more personal way as I am getting pretty close to that age as well.

Baby Boomers, those 78 million of us individuals born between 1946 and 1964, will start turning 60 next year. Fortunately, we Baby Boomers are one of the healthiest generations in our Country's history. Look around this Senate Chamber, and take note of how many of us may be "boomers" who are making their mark on Nevada's legislative history.

Older Americans are living more active and independent lives. Each day, millions of older Americans in this Country are demonstrating their vigor in every aspect of community life, from their active participation in the workforce to their enriched volunteerism in local nonprofit organizations, to their critical involvement in helping raise their children's children.

To meet the diverse needs that aging can impose, the Older Americans Act was enacted in 1965, 40 years ago. It was created as the primary vehicle for organizing, coordinating and providing community-based services and opportunities for assisting older Americans in their lives.

According to the U.S. Administration on Aging, better planning, better community-based programs and additional consumer-friendly systems are helping older Americans remain vibrant and independent.

As we honor older Americans, today, we recognize the dignity of aging and the assets that older Americans contribute to our community betterment one person at a time. As we recognize and appreciate the older Americans who make contributions to the betterment of our community, indeed, we redefine our society.

Simply put, we keep older adults healthy, independent and engaged then all generations benefit.

SENATOR RAGGIO:

Thank you, Madam President. I appreciate Senator Wiener's remarks. When I was growing up, I thought someone 50 years old was really old. It was hard to believe anyone could live much longer.

Now, life expectancy has been extended through technology, medicine and research. Of course, I am quite aware of this and thank this body for putting up with my eccentricities. Today, older Americans are active people who make a difference in our lives.

Older Americans, today, are active into their 70s and 80s. There is a doctor in Reno, Dr. Noah Smernoff, who celebrated his 100th birthday. He is still practicing, making house calls to homes of the elderly. We owe a lot to science, technology and medicine. I want to join in today to salute all older Americans.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 11, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 32.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Titus moved that Assembly Bill No. 267 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Titus.

Motion carried.

Senator Tiffany moved that Assembly Bill No. 120 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Tiffany.

Motion carried.

Assembly Concurrent Resolution No. 32—Memorializing Supreme Court Justice Myron E. Leavitt.

WHEREAS, On January 9, 2004, the State of Nevada lost a beloved and dedicated public servant, the legal community lost an extraordinary Supreme Court Justice and the family of Justice Myron E. Leavitt lost a great patriarch and teacher; and

WHEREAS, A native Nevadan and the youngest of three boys, Myron Leavitt was born in Las Vegas on October 27, 1930, to Myron "Mike" and Estella Leavitt; and

WHEREAS, Myron attended Las Vegas High School where he distinguished himself in academics, athletics and theater and was named the outstanding athlete of his class in 1948; and

WHEREAS, Myron continued his education at the University of Nevada, Reno, on an athletic scholarship, where he won letters in both football and track and was named sports editor of the University newspaper, the *Sagebrush*; and

WHEREAS, After graduation in 1952, Myron worked briefly for the *Las Vegas Review-Journal* as sports editor, and then enrolled in law school at the University of Utah where he received his juris doctor degree and graduated eighth in his class in 1956; and

WHEREAS, It was in Salt Lake City where Myron met his future wife, Shirley, and where they began their life as a married couple on June 10, 1954, in the Salt Lake Temple; and

WHEREAS, After his graduation from law school, Myron and Shirley returned to Las Vegas where they raised 11 children, where Myron enjoyed a rich and fulfilling career in public service that spanned 5 decades and where he realized that his greatest accomplishments were his achievements as a father, husband, mentor, athlete and coach; and

WHEREAS, Myron began his career in the legal profession in southern Nevada in 1957 as a deputy city attorney for the City of North Las Vegas and served in other nonelective positions as a member of the Clark County Juvenile Probation Committee, the attorney for the Clark County District Health Board, an original member of the Las Vegas Metropolitan Police Commission and a member of the Board of Directors of the Nevada League of Cities; and

WHEREAS, The accomplishments of Myron Leavitt during the first 2 decades of his career in public service centered around the establishment of the first medical coroner system in Clark County and the first night court for small claims during the time he served as a Las Vegas Township Justice of the Peace from 1961 to 1962, the organization of the drive to build the Dula Senior Citizen Center while he served as a Clark County Commissioner from 1971 to 1974, an effort which brought the City of Las Vegas and Clark County together to promote joint funding of the project and the construction of a sheriff's substation in the southeastern sector of the City of Las Vegas; and

WHEREAS, During his tenure as a Las Vegas City Councilman from 1975 to 1978, and as Lieutenant Governor from 1979 to 1982, he is remembered for casting the deciding vote to break a tie retaining capital punishment and halting action to remove the Lieutenant Governor as President of the Senate; and

WHEREAS, Justice Leavitt's years from 1984 until 1998 as a trial judge in Clark County, his term as President of the District Judges Association and two terms as Chief Judge of the Eighth Judicial District Court, and the fact that he was repeatedly ranked as one of the top judges in the Biennial Judicial Evaluation Survey were all evidence of the admiration and respect of his colleagues; and

WHEREAS, In 1998, Justice Leavitt's political career ascended to its highest level with his election as a Justice of the Supreme Court of Nevada, a position to which he was reelected in the year 2000; and

WHEREAS, While Justice Leavitt honored Las Vegas and the State of Nevada with his commitment to public service, he was also very active in community affairs, and his dedication to and love of his community were recognized when the Justice Myron E. Leavitt Middle School in Las Vegas was named and dedicated in his honor in March 2002; and

WHEREAS, For over 35 years, Justice Leavitt was also known as "Coach" Leavitt to hundreds of young people as he dedicated much of his free time to coaching basketball, football, softball and baseball and serving as a role model for the many young people whose lives he touched; and

WHEREAS, Justice Myron E. Leavitt left behind his beautiful wife of 49 years, Shirley, whom he considered to be his best friend, life-long companion, confidant and campaign manager, six sons, Dennis, Steve, Tom, Andrew, Delbert and Jim, and five daughters, Kathy Wright, Cindy Foote, Debbie Earl, Sue Abbatangelo and Michelle and 34 loving grandchildren; 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 extend their heartfelt sympathy to the family and friends of Justice Myron E. Leavitt, a man who will long be remembered for his professional integrity, the encouragement he offered to those who crossed his path, his dedication to public service, his passion for Nevada and the love he had for his family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Justice Leavitt's beloved wife, Shirley and each of his children.

Senator Care moved the adoption of the resolution.

Remarks by Senators Care, Raggio and Wiener.

Senator Care requested that the following remarks be entered in the Journal.

SENATOR CARE:

Thank you, Madam President. I met Myron Leavitt in early 1979. I had just come to Las Vegas as a television reporter when I met him at a function. He was the Lieutenant Governor at the time. I tried to get the standard interview that you get when you run into someone like that



in the news business. I was struck by his warmth, his charm and his humor. When I asked him about his plans for the office, he mentioned that at that moment Governor List was in Mesquite participating in a balloon festival ride. Myron said he had his spies up there who were going to call him the moment Governor List drifted into Arizona air space because he had plans for what he was going to do for Nevada the moment he became acting Governor. That was my introduction to Myron Leavitt.

In 1981, it was Thanksgiving and I was able to get an interview with him to ask him about whether he was going to run for governor in 1982. He had a law office on Charleston near 10th Street, and he agreed to give an interview, unusual on a holiday. I walked into the backroom of the office where there was a kitchen. There must have been 15 or 20 pumpkin pies cooling. He agreed to do an interview but would not take off his apron. I tried to tell him if he was going to run for governor, then, he might want to take off the apron. He commented that this is who he was. I let it go at that.

I dropped by his house on election night in 1982 when he lost the primary to the future governor, Richard Bryan. He was gracious and took the loss as a matter of fact. He had the "win some, lose some" philosophy. I was struck, once again, by his warmth.

After I went to law school and became an attorney, I made my first appearance before Judge Leavitt. I was making a motion for a summary judgment. I had been a member of the bar for about two months. I had taken a case over from someone else. When you are a new attorney with a motion like that, you are up all night the night before. You want to be prepared for everything. As I went into the courtroom and began my argument, going on and on, he stopped me. He said, "Look, I have known you for a while; I know you are new at this so let me explain something. That woman over there has to take down everything you say. She needs time to do that so just slow down. Think about what it is you want to say, and we will get through this." I took his advice, and we did get through it. It is rare for a judge to take that approach especially to an attorney just trying to find his roots in the courtroom.

Later, when I became involved in politics, I would run into Judge Leavitt and his wife, Shirley. He would pull me aside, and he would tell me that I was doing this right or this wrong. I will always treasure his advice. After I was elected, I found I was actually representing Shirley and Myron. His criticism was always given with that smile and the elbow in the ribs.

Eminent domain is a topic during this Legislative Session. In the Senate Committee on Judiciary, we just heard testimony on Mr. Horne's bill, Assembly Bill No. 143. We are both guided by Justice Leavitt's dissenting opinion in the Pappas case. I have cited from it as the inspiration for what I am trying to do in seeking changes to the laws on eminent domain when it comes to redevelopment.

He was a dedicated public servant, extraordinary Supreme Court Justice and a great family patriarch and teacher. The State of Nevada lost a great person, and our thoughts are with his wife Shirley and his family.

SENATOR RAGGIO:

Thank you, Madam President. I remember Myron Leavitt when we were both young lawyers. At that time, the Nevada Bar was rather small. You knew every lawyer at a Bar convention by first name. We got along well. Lawyers did not have to do a lot by stipulation then. You shook hands, and sometimes, I think the clients were better served that way. Justice Leavitt grew up during that era.

He held many positions of trust in the State. When I was a district attorney, he was in the Justice of the Peace Office in Las Vegas. There was much camaraderie between lawyers, particularly with those who were in the position of city or district attorney. We got together quite often both professionally and socially. He served in the city counsel, the county commission, as district judge, and I remember him the most when he served as Lieutenant Governor. During the two sessions he served as President of the Senate, he was a gentleman. We had order and decorum in the House, and he was highly respected. He was fair, and he carried that over to his time in the Judicial Branch. He received the highest honor the citizens can give to a judge in this State. He was elected to the Supreme Court. He would have held the position much longer, had he lived.

We honor a life filled with great contributions, devotion to his family and dedication to this State. He has left a heritage in the Legislative, the Executive and the Judicial Branches of government in this State. I extend my personal condolences to Shirley and the family. It is good to see her here, today.

SENATOR WIENER:

Thank you, Madam President. We have heard much about Justice Leavitt and his contributions to the State as a jurist and as a man of the community. He was also a neighbor and a friend.

My younger brother, Doc, did not spend a lot of time in our home because he was at the Leavitt home. We always knew when his bicycle was missing that he and it were at the Leavitt house. I remember one day asking him how many kids actually lived there full time. He told me it really does not matter because any child who enters the home is a Leavitt and is a member of the family. They had such a phenomenal sense of family. I watched my younger brother become a better person because of the Leavitts.

As I grew into adulthood, I lost my own father. Myron Leavitt was one of the first people there to lend his arm and to lend his heart to me as a mentor, a friend and an unbelievable listener. He could share his message, but he had an uncanny ability to listen and to remember. He would lend a word when it was needed from the heart and from the head. I want to thank his family for sharing him with Nevada and with my family.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that for this legislative day, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 114.

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

Motion carried.

Assembly Bill No. 493.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Assembly Bill No. 80.

Bill read second time and ordered to third reading.

Assembly Bill No. 118.

Bill read second time and ordered to third reading.

Assembly Bill No. 159.

Bill read second time and ordered to third reading.

Assembly Bill No. 181.

Bill read second time and ordered to third reading.

Assembly Bill No. 184.

Bill read second time and ordered to third reading.

Assembly Bill No. 220.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 678.

Amend section 1, page 2, line 4, by deleting: "but not more than 20 percent" and inserting: "~~but not more than 20 percent~~".

Amend sec. 2, page 2, line 20, by deleting: "but not more than 20 percent" and inserting: "~~but not more than 20 percent~~".

Senator Nolan moved the adoption of the amendment.

Remarks by Senator Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 699.

Amend section 1, page 2, line 6, before "*proceeding*" by inserting "*judicial*".

Amend the title of the bill, third line, before "proceeding" by inserting "judicial".

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 698.

Amend the bill as a whole by deleting sections 2 and 3 and the text of the repealed section.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: "tenants; and".

Amend the summary of the bill to read as follows:

"SUMMARY—Removes exemption for certain landlords from provisions relating to landlords and tenants. (BDR 10-646)".

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 486.

Bill read second time and ordered to third reading.

Assembly Bill No. 518.

Bill read second time.

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

Amendment No. 704.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection ~~{8.}~~ 9.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be

used to alleviate problems associated with a growth in enrollment or overcrowding.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180.

6. *The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in the program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil's progress throughout the school year and a process for appealing a determination regarding a pupil's need for remedial education.*

7. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district.

~~{7.}~~ 8. If more than 3 days of free school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.

~~{8.}~~ 9. The State Board shall adopt regulations:

(a) Providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.

(b) Defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2."

Amend section 1, page 2, by deleting lines 28 through 31 and inserting: *"adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the"*.

Amend sec. 2, pages 3 and 4, by deleting lines 40 through 44 on page 3 and lines 1 through 9 on page 4, and inserting: *"pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade."*

Amend the title of the bill, first line, after "education;" by inserting: "authorizing the boards of trustees of school districts to apply to the Superintendent of Public Instruction for additional days or minutes of instruction for certain programs of remedial education;"

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 537.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 14.

Resolution read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 32.

Bill read third time.

Remarks by Senators Raggio, Carlton, Washington and Beers.

Roll call on Senate Bill No. 32:

YEAS—21.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 102.

Bill read third time.

Roll call on Senate Bill No. 102:

YEAS—20.

NAYS—Beers.

Senate Bill No. 102 having received a constitutional majority,  
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341.

Bill read third time.

Remarks by Senators Titus, Washington, Coffin and Nolan.

Roll call on Senate Bill No. 341:

YEAS—21.

NAYS—None.

Senate Bill No. 341 having received a constitutional majority,  
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 380.

Bill read third time.

Remarks by Senators Care and Nolan.

Roll call on Senate Bill No. 380:

YEAS—21.

NAYS—None.

Senate Bill No. 380 having received a constitutional majority,  
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 67.

Bill read third time.

Roll call on Assembly Bill No. 67:

YEAS—21.

NAYS—None.

Assembly Bill No. 67 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 68.

Bill read third time.

Roll call on Assembly Bill No. 68:

YEAS—21.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 78.

Bill read third time.

Roll call on Assembly Bill No. 78:

YEAS—21.

NAYS—None.

Assembly Bill No. 78 having received a constitutional majority,  
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 89.

Bill read third time.

Roll call on Assembly Bill No. 89:

YEAS—21.

NAYS—None.

Assembly Bill No. 89 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 163.

Bill read third time.

Roll call on Assembly Bill No. 163:

YEAS—21.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 257.

Bill read third time.

Roll call on Assembly Bill No. 257:

YEAS—21.

NAYS—None.

Assembly Bill No. 257 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 278.

Bill read third time.

Roll call on Assembly Bill No. 278:

YEAS—21.

NAYS—None.

Assembly Bill No. 278 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.



Assembly Bill No. 292.

Bill read third time.

Roll call on Assembly Bill No. 292:

YEAS—21.

NAYS—None.

Assembly Bill No. 292 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 12:27 p.m.

#### SENATE IN SESSION

At 12:28 p.m.

President pro Tempore Amodei presiding.

Quorum present.

Assembly Bill No. 381.

Bill read third time.

Remarks by Senators Carlton, Nolan, Care and Titus.

Roll call on Assembly Bill No. 381:

YEAS—18.

NAYS—Care, Carlton, Titus—3.

Assembly Bill No. 381 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 436.

Bill read third time.

Roll call on Assembly Bill No. 436:

YEAS—21.

NAYS—None.

Assembly Bill No. 436 having received a two-thirds majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 468.

Bill read third time.

Roll call on Assembly Bill No. 468:

YEAS—21.

NAYS—None.

Assembly Bill No. 468 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 470.

Bill read third time.

Remarks by Senators Mathews, Care, Beers and Titus.

Roll call on Assembly Bill No. 470:

YEAS—21.

NAYS—None.

Assembly Bill No. 470 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 473.

Bill read third time.

Roll call on Assembly Bill No. 473:

YEAS—21.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503.

Bill read third time.

Roll call on Assembly Bill No. 503:

YEAS—21.

NAYS—None.

Assembly Bill No. 503 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 507.

Bill read third time.

Roll call on Assembly Bill No. 507:

YEAS—21.

NAYS—None.

Assembly Bill No. 507 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 527.

Bill read third time.

Roll call on Assembly Bill No. 527:

YEAS—21.

NAYS—None.

Assembly Bill No. 527 having received a constitutional majority,  
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 555.

Bill read third time.

Roll call on Assembly Bill No. 555:

YEAS—21.

NAYS—None.

Assembly Bill No. 555 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 16.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 16:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 16 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Resolution ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 164, 257, 266, 278, 286; Senate Concurrent Resolutions Nos. 32, 33; Assembly Bills Nos. 203, 234; Assembly Concurrent Resolution No. 29.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to the following members, and staff of the Virginia City Boys' Basketball Team (Muckers): Kevin Lynch, Chad Sprong, Zack Dotson, Mitch McDowell, Cory Dacha, Miles Lugo, Andy Wilson, Sam Turman, Nathan Adaki; staff: Hector Bucchianeri, Deny Dotson, Skyler Jones and principal/athletic director: Todd Hess.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Shirley Leavitt, Cindy Foote, Michelle Leavitt and John Soo.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to former Assemblyman Tom Collins and the following students, chaperones and teachers from the Martha P. King Elementary School: Victoria Abercrombie, Kaleb Bailey, Bailey Barker, William Barth, Joseph Butler, Alissa Clarke, Jacob Cook, Austin Donnelly, Brock Esplin, Jason Faircloth, Daniel Henderson, Tanner Imlay, Blake Jacobs, Garrett Lockhart, Midori Molina, Tino Ragone, Willie Reyes Jr., Brianna Saenz, Gabriel Vasquez, Crystal Weaver, Pam Donahue, Amber Eccles, Corbett Fleming, Brandon Foster, Avalon Frantz, Andrew Gubler, Megan Gudmundsen, Brent Hickey, Jordan Honey, Martin Hudson, Alyssa Krause, Zachary Lee, Lauren Miller, Ronald Mortensen, Logan Moser,

Shaun Murray, Megan Purdy, Shelby Riggs, James Smith, Benjamin Trujillo, Brittney Yeazle; chaperones: Kimberly Bailey, Mary Clarke, Troy Cook, Lorraine Faircloth, Bunny Henderson, Darin Imlay, Maria Jacobs, Eric Lockhart, Nadine Cloud, Jessica Saenz, Michelle Camara-Vasquez, Shaun Fleming, Keane Foster, Mary Frantz, Mindy Gubler, Pamela Honey, Darlene Krause, Charles Nicks, Scott Murray, Joan Purdy, Christina Robertson, Robin Lee; teachers: Mr. Newkirk and Mrs. Lee.

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

Senator Raggio moved that the Senate adjourn until Thursday, May 12, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 12:48 p.m.

Approved:

MARK E. AMODEI  
*President pro Tempore of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*