

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 22, 2005

Senate called to order at 11:04 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Brian Bilbrey.

Loving, heavenly Father, today, we come to You in this quiet moment to ask Your blessing upon the members of this Chamber and to thank You for Your grace and goodness. We ask that You lead us into all truth and prepare our hearts and minds for the business of this day.

Our Father, we request that Your hand of protection and safety be upon our soldiers abroad who lay down their lives for freedom and democracy.

Lord, we now ask that Your Spirit will be upon each one of us that we might reflect Your character.

We ask these things in the Name of our Lord and Savior.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

Madam President:

Your Committee on Judiciary, to which was referred Senate Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and refer to the Committee on Finance.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 21, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 34.

DIANE KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Titus moved that Senate Bill No. 36 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Titus.

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, Pierce, 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, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Seale, Sherer, Sibley, Smith and Weber:

Senate Concurrent Resolution No. 5—Commemorating the 100th anniversary of Las Vegas and designating the year 2005 as the "Las Vegas Centennial Celebration."

WHEREAS, Hidden for centuries from all but Native Americans, the oasis that would become known as Las Vegas Valley was protected from discovery by the surrounding harsh and unforgiving Mojave Desert until 1829 when it was sighted by Rafael Rivera, a scout for the New Mexico trader, Antonio Armijo; and

WHEREAS, The abundance of artesian spring water discovered in the Valley shortened the trade route along the Old Spanish Trail from Santa Fe, New Mexico, to Los Angeles, California, and the area became known as "Las Vegas," Spanish for "The Meadows"; and

WHEREAS, In 1844, famed explorer Captain John C. Fremont camped near the springs, described the route and noted the name "Las Vegas" in his expedition journal, which would later be published and distributed and help make the Valley known to the world; and

WHEREAS, The first non-Native American settlement in the Valley was a fortified mission built in 1855 by Mormon colonists who were quickly overwhelmed by the rigors of desert life and occasional Indian raids and who abandoned the site 2 years later; and

WHEREAS, After filing unsuccessful mining claims near present-day Boulder City, Octavius Decatur Gass, considered a founding father of Las Vegas, established a working ranch in 1865 near the remains of the Mormon fort on what is now downtown Las Vegas; and

WHEREAS, The Gass ranch was acquired in 1881 by Archibald Stewart and was sold 21 years later by his wife Helen to Montana Senator William A. Clark, who subsequently used the land to complete the railroad line between Los Angeles, California, and Salt Lake City, Utah; and

WHEREAS, By 1905, the San Pedro, Los Angeles and Salt Lake Railroad was completed and a railroad town was laid out on 110 acres bounded by Stewart Avenue, Garces Avenue, Main Street, and 5th Street, which is now Las Vegas Boulevard; and

WHEREAS, On May 15, 1905, the Railroad auctioned lots in the townsite called "Las Vegas," establishing the humble beginning of a city that would become a thriving business mecca and the entertainment capital of the world; and

WHEREAS, The Las Vegas Centennial Celebration Committee is dedicated to educating the public and commemorating and celebrating the history and culture of Las Vegas; and

WHEREAS, The Centennial Celebration is a year-long event meant to include both residents and tourists by creating a wide range of activities, projects and events; 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 commemorate the 100th anniversary of the founding of Las Vegas and designate the year 2005 as the "Las Vegas Centennial Celebration"; and be it further

RESOLVED, That the Las Vegas Centennial Celebration Committee is hereby commended for its efforts to ensure that the residents of Nevada are aware of the historic events that established and developed Las Vegas, for preserving the history of Las Vegas through Centennial legacy projects that will honor the past and for establishing endowments for historic preservation projects in the future; and be it further

RESOLVED, That the Las Vegas Centennial Celebration Committee is hereby urged to continue the year-long celebration of Las Vegas as one of the great American cities, as

documented by Insignia Films in their award-winning American Experience series; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Mayor Oscar B. Goodman, Chairman of the Las Vegas Centennial Celebration Committee.

Senator Coffin moved the adoption of the resolution.

Remarks by Senators Coffin and Titus.

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

SENATOR COFFIN:

It is with great pride that I rise to support this resolution honoring the official 100-year birthday of Las Vegas.

Since I moved to Las Vegas in 1951, it means I have lived there for more than half of the official history of the City's life. This could explain why my hair has turned gray and I am eligible for Social Security. I am not certain how many here were born in Las Vegas. I was not, but Senator Wiener was, and as a note of coincidence, my mother owned a house the Wiener family lived in 1931.

The light that is Las Vegas has never dimmed. We established a state park to honor the old Las Vegas Mormon Fort. We have a wonderful exhibit of the earliest times of Las Vegas. The visitors' center is nearly complete. We are a tourist stop for all who come to town and for the 1.5 million people who live in Las Vegas. Las Vegas has a rich history. Today, we are honored to have our Mayor with us in this Chamber.

Las Vegas is still a city of pride. The tough days were those early days in 1855 when the Mormons established a mission. It was dry and hot when they arrived in June after traveling from the Overton area. They found the water in Las Vegas to be pure and plentiful, and the meadows offered the real reason for stopping. However, the town would not survive as a town for another 50 years. It was not until the Los Angeles-Salt Lake Railroad created a shortcut to the west coast. The shortcut saved days on a trans-continental journey. Importantly, it put Las Vegas on the map. Finally, Las Vegas was incorporated in 1905. In 1909, Clark County rose as the seat and our own courthouse in Las Vegas was built. Those days of history are partially articulated in the resolution. A number of books have been written about the history of Las Vegas, and many of those books about the City are in the style of the late Hunter Thompson. It is hard to believe what you read, but much of what you read is probably true because what is fiction is truth in Las Vegas.

Thank you for asking me to sponsor this resolution. You have taken an almost-native son and made him very proud.

SENATOR TITUS:

I stand in support of this resolution which marks the 100th birthday of one of the most fabulous places on earth, Las Vegas, Nevada. Las Vegas is a city where virtually anything goes, a city that has been deemed so "unfailingly piquant and over the top that it is sui generis, its own highly peculiar self." Where according to *Time* magazine, "In no other peacetime locale are the metaphors and ironies so impossibly juicy." Or where, in the words of the late Hunter Thompson, "When the going gets weird, the weird turn pro."

Where else can you find a city with its own language—where you have to know the lingo to succeed? What are markers, comps, tokens, shoes and spoons? Who is a high roller, a shooter, a stickman, a boxman or a pit boss? Who has "juice"? What happens when you "hit me" and where is that "eye in the sky"?

Where else can you find the Eiffel Tower, the Statue of Liberty, the Doge Palace, the Great Pyramids and Lake Como all within a two-mile stretch? Where else would you have larger than life statues of Michelangelo's David and a headless Lenin, hero of the proletariat, next to circus tents and pirate ships?

Where else could the mushroom cloud become a tourist attraction or a building implosion become a media event?

Where else are favorite role models, featherclad showgirls and flying Elvi? Where else can you ride a roller coaster atop a 135-story tower and get married just down the street at a drive-through wedding chapel with a mechanical arm that throws rice on your windshield?

What other city has over 15,000 miles of neon tubing and 125,000 slot machines? Where else do volcanoes explode and tigers disappear? Where else can you get a 50-cent shrimp cocktail and hit a million-dollar jackpot without ever leaving your barstool? Where else is blackjack dealing an art and valet parking a science?

What other city does everyone in the world want to visit sometime in their lives? In short, there is no place like it on the planet.

Happy birthday, Las Vegas. You get better every year.

Resolution adopted.

Senator Coffin moved that all rules be suspended and that Senate Concurrent Resolution No. 5 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

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

Senate in recess at 11:22 a.m.

SENATE IN SESSION

At 11:24 a.m.

President Hunt presiding.

Quorum present.

Senator Amodei moved that Senate Bill No. 43 be rereferred to the Committee on Finance.

Remarks by Senator Amodei.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Washington:

Senate Bill No. 109—AN ACT relating to domestic relations; revising the provisions concerning the presumption that joint custody is in the best interest of a minor child; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 110—AN ACT relating to airports; changing the name of the Airport Authority of Washoe County to the Reno-Tahoe Airport Authority; exempting certain contracts entered into by the Board of Trustees of the Authority from provisions requiring public bidding and certain other requirements under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 111—AN ACT relating to unemployment compensation; revising requirements for submission of evidence by employers regarding eligibility for benefits of certain unemployed claimants; revising the authority of an Appeal Tribunal to consider certain evidence; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 112—AN ACT relating to public financial administration; requiring the State Controller to apply the fee charged by certain state agencies for returned checks to other methods of payment that are returned or dishonored; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 113—AN ACT relating to the State Treasurer; revising the titles of certain positions within the Office of the State Treasurer; revising provisions relating to the timing of the deposit of certain state money in certain financial institutions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 114—AN ACT relating to public works; clarifying that certain hiring preferences apply to all circumstances under which persons are employed in the construction of public works; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 115—AN ACT relating to meetings of public bodies; authorizing the governing bodies of local governments and advisory bodies to such governing bodies to hold closed meetings concerning matters relating to security and terrorism in certain circumstances; providing that records of

such meetings are confidential; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 116—AN ACT relating to labor; revising provisions related to enforcement of the prevailing rate of wage requirement for public works; providing that if an employer fails to notify an employee that coverage under a policy of group life or health insurance has ceased the employer is liable to the employee for claims for benefits which would have otherwise been payable under that policy; revising provisions related to licensing of an employment agency; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Titus:

Senate Bill No. 117—AN ACT relating to the legislative process; revising the lobbyist reporting requirements to include a requirement for advance notice to any legislator whose name will be included in a report; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Nolan and Assemblyman Atkinson:

Senate Bill No. 118—AN ACT relating to county coroners; increasing the fee to obtain a certified copy of a death certificate to provide financial support for the offices of the county coroners authorizing county coroners to use the money generated by the fee; requiring a pharmacist to divulge certain prescription information to a county coroner, medical examiner or investigator employed by an office of the county coroner under certain circumstances; continuing the authority of juvenile courts to conduct programs of visitation of delinquent children to the offices of county coroners; and providing other matters properly relating thereto.

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

Remarks by Senator Nolan.

Motion carried.

By Senators Heck, Nolan, Amodei, Washington; Assemblymen Anderson, Conklin, Ocegueda and Sibley:

Senate Bill No. 119—AN ACT relating to privileges; expanding the medical review committees that may refuse to disclose and to prevent other persons from disclosing certain information from their proceedings; providing that the proceedings and records of those review committees are not subject to discovery proceedings; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 34.

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. 3.

Bill read third time.

Remarks by Senator Hardy.

Roll call on Senate Bill No. 3:

YEAS—21.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 24.

Bill read third time.

Remarks by Senators Schneider, Titus and Washington.

Roll call on Senate Bill No. 24:

YEAS—21.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 11 of the 72nd Session.

Resolution read third time.

Remarks by Senators Raggio and Nolan.

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

SENATOR RAGGIO:

Senate Joint Resolution No. 11 of the 72nd Session passed both Houses last session by an overwhelming majority. Misinformation and a misunderstanding of this measure have reached the media. I will address this issue taking full responsibility for my statements.

This resolution proposes a constitutional amendment regarding legislative compensation and allowances for items such as postage. It proposes to amend the Nevada Constitution to provide that members of the Legislature be paid for each day of service during both a regular and a special session. It proposes another amendment to provide what is called "reasonable allowances" for Legislators for expenses including postage, express charges, newspapers, telecommunications and stationery. If it is approved in this session, it is then submitted to the voters for the next election. Not anyone voting for this is going to be considered as increasing his or her salary. This is proposed to amend the Constitution and must be supported by the voters. I have every confidence that the voters of this State, when they understand the situation, will support this measure.

The Constitution, enacted in 1864, limited the number of days for which members of the Legislature were paid. That was for 60 days in a regular session and 20 days for a special session. At that time, it was inconceivable that a legislative session could last even 60 days. There were no limits on it. Theoretically, it could go on forever. In their wisdom, the framers of the Constitution decided there should be some limit because they could not tell what the Legislators might do. Some people believed the Legislators would stay on and on just to receive the \$8-a-day salary. In 1885, the salary was reduced to \$7 a day. I mention this because, without this change in the Constitution, we could raise our salary.

This is not about raising our salary. We receive \$130 a day as Legislators for 60 days. The last time we changed the amount was in 1985. Twenty years ago, we raised our salary and have not done so since. It used to be raised frequently to keep up with the cost of living. We felt Legislators, just like anyone else, were entitled to fair compensation. In 1985, the infamous pension bill was introduced, and I voted against it. As a result of the clamor it caused, every Legislator since that time has been reluctant to raise the salary. This is unfortunate.

What we do here is important. Like anyone else who puts in a working day, a Legislator should be paid for the days worked. This resolution is about changing an archaic provision in the Constitution which limits the time a Legislator may be paid to 60 days. The public voted for the change to limit the session to 120 days so it is no longer sensible to restrict the days of pay to 60. We did not change part of the Constitution concerning the number of days for which a Legislator may be paid.

We should encourage people to run for the Legislature. Members of the Legislature give up time and money to serve here. This is an important branch of our government. There must be an incentive encouraging people to serve rather than the disincentive presently in the Constitution. Many people cannot afford to come here to serve for the time required for session. Whatever the time a Legislator spends here, for each day of service, that person should be paid whatever the salary is.

We should also remove from the Constitution the provision that we receive the huge sum of \$60 to cover all of our telephone bills and postage. Postage was much less at the time the Constitution was written. We need to bring things up to date and in keeping with the times we live in. Please do not look upon this as raising the salaries; it is not. I would like to read an editorial from the *Reno Gazette-Journal* from February 16. This will put to rest some of the misinterpretation out there.

Public service should not be the road to riches, but neither should it be the road to the poorhouse. Yet, that is exactly the path that Nevadans have chosen for their lawmakers, who are expected to serve the State for half of every legislative session for free.

The Legislators, who began their 120-day biennial marathon two weeks ago, are paid a salary of \$130 per day for 60 days, a limit set by the Nevada Constitution. For the remainder of the session, they receive only expenses and their living allowance.

As a result, the concept of the "citizens Legislature," so beloved by Nevadans, is slowly eroding. Already it is difficult to find candidates for the Legislature who can afford to take time off from their jobs to serve in Carson City for five months; that's asking a lot of an employer. But, it is asking even more of the Senator or Assemblyman to offer them meager pay for only part of the time they're on the job.

A resolution adopted by the Senate Legislative Operations and Elections Committee on Tuesday is a small step toward changing that restriction and ensuring that Legislators are paid for the 120 days they actually serve. (It also would provide Legislators with

"reasonable allowances" for postage, newspapers and stationery.) Because it seeks to change the State Constitution, the resolution would have to be approved by voters in 2006 to become law.

The resolution deserves support, not to make Legislators rich but to pay them an honest day's wage for an honest day's work. Working 120 days rates pay for 120 days.

That is better than I can say it. The fiscal note if it is adopted by the voters at the current rate of \$130 a day is under \$500,000 for the cost of the session. The staff is paid for each day. It makes no sense for Legislators to be paid for only 60 days. I urge each of you to vote for this, and if there are complaints, direct people to call me.

SENATOR NOLAN:

I, too, rise in support of Senate Joint Resolution No. 11 of the 72nd Session. I am pleased Senator Raggio read the accurate and responsible editorial published by the *Reno Gazette-Journal*. In my opinion, there was an ill-conceived editorial which appeared in a weekend edition of the *Las Vegas Review-Journal*. It has been the source of numerous e-mails and much discussion. The editorial implied it would be fine to raise Legislators' salaries providing we pass tax relief and we not work beyond 120 days. None of us want to be here beyond 120 days.

Following the 72nd Session, two special sessions were conducted to complete the work started. I ended up owing the Legislative Counsel Bureau \$1,100 in additional expenses for travel, room and board. This came from the same capped stipend we received.

On the property-tax issue, the editor might have forgotten we, Legislators, are taxpayers too. All Nevadans in the north and the south are experiencing the same rate of inflation in tax rates. A tremendous amount of our time and resources are dedicated to solving this issue during this session. We will do our best to handle the property-tax issue.

The editorial enumerated the lavish expenses allocated to travel. They failed to mention that our housing allowance, furniture rental, car rental and airfare come out of that travel budget. Those of us traveling to Carson City will have exhausted our travel budget by the third month of this Legislative Session. A remedy bill is being considered to increase the cap in the travel budget to accommodate our expenses this session. Last session, some of us finished with out-of-pocket expenses.

It is right to pay anyone, including Legislators, for each day they work. I am certain the editor at the *Las Vegas Review-Journal* receives a salary for each day he works. It is important to ensure every person have the ability and the right to run for a legislative seat. Every person with that right should also expect to be paid while serving in the Legislature. I urge my colleagues to support Senate Joint Resolution No. 11 of the 72nd Session.

Roll call on Senate Joint Resolution No. 11 of the 72nd Session:

YEAS—16.

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

Senate Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Madam President 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 Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to the following Boy Scouts of America and Leaders: Gary Vetsch, Jeniffer Vetsch, Robert Park, Pam Park, Anthony Stinnett, Sherry Stinnett, Tyler Stinnett, Ricky Buma, Skyler Jarvis, Edward

Vetsch, Chad Woodruff, Steve McKnight, Scott McKnight, Colton Jones, Jace Ewing, Kyle Ewing, Zach Ipson and Chuck Woodruff.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Wade Wagner Jr. and Taylor Robb.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to James Puffer.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Carrie Henderson.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Cathy Growauer.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to Las Vegas Mayor Oscar B. Goodman.

Senator Raggio moved that the Senate adjourn until Wednesday, February 23, 2005, at 11 a.m. and that it do so in memory of Tom Stoneburner as requested by Senator Carlton.

Motion carried.

Senate adjourned at 12 m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate