

**THE EIGHTEENTH DAY**

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CARSON CITY (Thursday), February 24, 2005

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

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Brian Bilbrey.

Eternal Creator,

Where does our wisdom and help come from? Our wisdom and help comes from You, O Lord, Creator of heaven and earth. We thank You for Your patience with us and ask, dear Lord, for Your guidance this day. We thank You for honoring our request for sunshine.

Father, help us to remember that we are the apple of God's eye and let us pass this principle to every individual of Nevada.

May we be kind to one another, tenderhearted, forgiving one another, even as You, for Christ's sake, have forgiven us.

We ask these things in the character of Jesus.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 23, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 40.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 6.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

## INTRODUCTION, FIRST READING AND REFERENCE

By Senators Schneider, Horsford, Mathews; Assemblymen McClain, Conklin and Munford:

Senate Bill No. 125—AN ACT relating to public office; increasing the period of residency required to qualify as a candidate for public office; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Schneider, Care, Carlton, Coffin, Horsford, Lee, Mathews, Titus, Wiener; Assemblymen McClain and Munford:

Senate Bill No. 126—AN ACT relating to the Office of the Governor; establishing the Office for Injured Employee Assistance; revising the

provisions relating to the Office for Consumer Health Assistance; providing that the cost of the Office for Injured Employee Assistance must be paid from certain assessments; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Titus and Hardy:

Senate Bill No. 127—AN ACT relating to the licensing of businesses; expanding the exemption for certain small businesses from the requirements for a state business license; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Titus, Carlton, Heck, Care, Amodei, Coffin, Lee, Mathews, Schneider, Townsend and Wiener:

Senate Bill No. 128—AN ACT making an appropriation to the Trust Fund for the Education of Dependent Children; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Titus, Care, Wiener, Coffin, Townsend, Amodei, Beers, Carlton, Cegavske, Heck, Lee, Mathews, McGinness, Schneider and Tiffany:

Senate Bill No. 129—AN ACT relating to Legislators; requiring a Legislator who is a public officer or employee of the State or a local government to take an unpaid leave of absence during any regular or special session of the Legislature; 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 the Committee on Government Affairs:

Senate Bill No. 130—AN ACT relating to information services; abolishing the divisions and units of the Department of Information Technology and authorizing the Director of the Department to organize the Department into such divisions and units as he deems necessary; revising the provisions relating to the exemption or withdrawal of state officers or agencies from the requirement to use the services or equipment of the Department; repealing the prospective expiration of the authority of the Director to classify certain records of the Department as confidential; 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. 131—AN ACT relating to mental health; increasing the number of members of the Commission on Mental Health and Developmental Services to include a current or former recipient of mental health services provided by the State; 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 Transportation and Homeland Security:

Senate Bill No. 132—AN ACT relating to traffic laws; authorizing a peace officer to issue a traffic citation that is prepared electronically; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 133—AN ACT relating to educational institutions; requiring each private postsecondary educational institution to use a prescribed formula for refunds of tuition; revising other provisions governing the payment of refunds by institutions; revising provisions regarding the bonding requirements of such institutions; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Mathews, Wiener, Titus and Coffin:

Senate Bill No. 134—AN ACT relating to interpreters; requiring providers of Communication Access Realtime Translation to meet certain qualifications; prohibiting certain acts relating to such providers; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 22 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 4.

Amend section 1, page 3, line 5, after "*regulations.*" by inserting: "*The subcommittee shall meet to review the regulation as soon as practicable.*".

Amend sec. 2, pages 3 and 4, by deleting lines 39 through 45 on page 3 and lines 1 through 4 on page 4, and inserting:

"3. If the agency refuses to revise a regulation to which the Legislative Commission *or the subcommittee* has objected, the Commission ~~[may]~~ shall suspend the filing of the regulation . ~~[until the final day of the next regular session of the Legislature. Before the final day of the next regular session the Legislature may, by concurrent resolution or other appropriate legislative measure, declare that the regulation will not become effective.]~~ The Legislative Counsel shall thereupon notify the agency that the regulation will not be filed and must not be enforced. ~~[If the Legislature has not so declared by the final day of the session, the Legislative Counsel shall promptly file the regulation and notify the agency of the filing.]~~".

Amend the title of the bill, fifth line, after "mandatory;" by inserting: "revising the procedure for objecting to an administrative regulation;".

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 49.

Bill read second time and ordered to third reading.

Senate Bill No. 70.

Bill read second time and ordered to third reading.

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

Senate in recess at 11:14 a.m.

## SENATE IN SESSION

At 11:16 a.m.

President Hunt presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Hardy moved that the action whereby Senate Bill No. 126 was referred to the Committee on Government Affairs be rescinded.

Remarks by Senator Hardy.

Motion carried.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 36.

Bill read third time.

Roll call on Senate Bill No. 36:

YEAS—21.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

I have a disclosure to make. In accordance to subsection 6 of the Nevada Revised Statutes (NRS) 281.501, tomorrow I will be filing the following written statement of my disclosure regarding my affiliation with a law firm.

I am a member of the law firm of Kummer Kaempfer Bonner & Renshaw, which has offices in Las Vegas and Reno. The following persons are registered lobbyists who appear before committees to testify on legislative matters on behalf of the law firm: Mark Fiorentino, Maddie Gugino, Jennifer Lazovich, John Pappageorge and Russell Rowe.

I recognize that I may be perceived as having a pecuniary interest in or commitment in a private capacity to the law firm's interests or clientele which may raise a potential conflict of interest. Therefore, I will be watchful for bills, resolutions and amendments regarding matters which these persons make an appearance as a lobbyist.

I have made the prerequisite oral disclosure of this statement during the Senate Floor Session on February 24, 2005. Therefore, I ask that you retain a copy of this disclosure as a public record and make it available for public inspection in accordance with the provisions of subsection 5 of NRS 281.501. I understand that once I have filed this written statement with you, I am not required to disclose orally my interest when the matter is further considered by the Legislature or a committee thereof. While I will not repeat this disclosure, I will consider each such matter individually to determine whether I am statutorily required to abstain from acting on the matter and will act accordingly.

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

In accordance with subsection 6 of NRS 281.501, I have previously made similar disclosures in the appropriate committees. I am a partner in the law firm of Jones-Vargas which has a number of individuals in that firm who are registered lobbyists. I am also a member of the Board of Directors of Sierra Health Services and Archon Corporation. I have filed a similar disclosure with the Legislative Counsel Bureau Director.

Senator Raggio moved that the Senate recess until 4:45 p.m.

Motion carried.

Senate in recess at 11:24 a.m.

## SENATE IN SESSION

At 5:04 p.m.

President Hunt presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywoman Koivisto and Assemblyman Hardy were at the bar of the Senate. Assemblywoman Koivisto invited the Senate to meet in Joint Session with the Assembly to hear Representative James A. Gibbons.

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

Senate in recess at 5:05 p.m.

## IN JOINT SESSION

At 5:09 p.m.

President Hunt presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Amodei and Mathews, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Hettrick and Sherer, who were excused.

Madam President appointed a Committee on Escort consisting of Senator Beers and Assemblyman Mabey to wait upon Congressman James A. Gibbons and escort him to the Assembly Chamber.

Representative Gibbons delivered his message as follows.

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

Thank you, it is good to be home. Madam President, Mr. Speaker, Minority and Majority Leaders, Constitutional Officers, Members of the Legislature and special guests, thank you for that warm Nevada welcome, and it is, indeed, good to be home. Let me begin by also thanking each of you for your service to Nevada. You are 63 members from all walks of life, reflecting the uniqueness of our great State. The talent that is in this room is diversified and your combined backgrounds offer the expertise needed for solving the many, many issues facing our State. Thank you for taking on that challenge. As you know, when you decided to serve in the Nevada Legislature, you had to give up precious time with your family and time that you could be spending on a career. You have all made that choice, and let me say, Nevada is a better place because of that choice.

As one who has also served in this Chamber, I understand the obstacles you face, particularly, in going from your committee hearings to your respective House floors for a vote. Now, if you have any problems getting through the crowded halls filled with lobbyists, I suggest you find either Senator Rhoads, Assemblyman Carpenter, Assemblyman Marvel or, especially, Assemblyman Pete Goicoechea. They are all used to handling some pretty rambunctious steers, and it shouldn't be a problem at all, or a challenge, for them to clear a path in the hallways.

Let me begin tonight by applauding Governor Guinn's vision and leadership for providing the best services and quality of life possible for Nevada's residents by first replenishing the Rainy Day Fund also, ensuring that our children's educational needs are met and providing incentives for keeping and attracting the best educators to our State as well as establishing reasonable

measures of accountability. In addition, his proposals for increasing Nevada's access to health-care benefits, protecting the Millennium Scholarships and providing affordable housing are so important to the future and well being of our State. Most importantly, the Governor's proposal to give back to the hard-working taxpayer some of the excess surplus is most deserving. After all, ladies and gentlemen, it is their money. Thank you, Governor Guinn for that proposal.

As I begin my fifth term in Congress, I look fondly back at my days serving our citizens in this Legislature and want to offer one simple thought. That is, each one of you is here tonight because people elected you to represent them. Elections in America make us all stronger, no matter the outcome. Whether people exercise their right to vote for a candidate or a cause, America, Nevada and our citizens win. All around the world today, we are seeing more free and fair elections taking place. The more free elections held around the world, the better off we are here at home. To that end, we must never forget the sacrifice, many times the ultimate sacrifice, which our service men and women have made in defense of liberty and this Nation.

Now, some would say that our form of government is not perfect, but perfection is what we as Americans and Nevadans strive for, and after all, that is not a bad goal to have. America must continue to set the highest standards whether it is in our national defense and security, our system of education, our health care or in the charitable giving we do at home and abroad. The struggles we faced nearly 2.5 centuries ago are just taking shape in countries far away from here, far from this Chamber, this very institution of democracy. The outcome of these many elections must not go unnoticed. In the Ukraine, when an election was clearly rigged to benefit one candidate over another, the people rose up and demanded their voice be heard in a new, free and fair election, and ladies and gentlemen, that happened. The prodemocracy candidate ended up winning because his platform promised freedom to the people who so desperately wanted it.

Afghanistan is a country that had seen nothing but war and bloodshed for decades and decades on end. In 1996, they fell under the rule of the brutal Taliban regime and became a breeding and training ground for exporting violence and terror. The people in Afghanistan are now served by democratically elected officials rather than by butchers, thugs, rapists and murderers. For the first time in modern history, Afghan women are free to go to school, free to go to work and free to vote. Amazing. Yes. The people of Afghanistan still face tremendous security and economic challenges. More struggles certainly lie ahead for the Afghan people. Both men and women in Afghanistan are just beginning to taste the freedom, freedom that we often, in this Country, take for granted. Let me tell you, I have traveled all over the world and met people from many different cultures. One point that they all have in common is a taste of freedom is never enough. It is addicting, and they never willingly give it up. Because we have new allies in Afghanistan and in the Afghan government, we will stand by them and assist their leaders in advancing liberty, freedom and economic opportunity.

We must also take note of the historic election by the Palestinian people. A real and meaningful peace between Israel and a neighboring Palestine State is now, for the first time in most of my life, a real possibility. We must continue to embrace such efforts and assist in any way we can.

Of course, we just witnessed the true empowerment of democracy in the amazing Iraqi elections. I recently received a note from Major Frank Turek, a Reno man serving in Iraq. His words describe the impact of that election better than I ever could. With your indulgence, I would like to read you a portion of that letter:

In the months leading up to the 30 Jan 05 Iraqi democratic elections, I was not completely confident that the Iraqi people would support an election. Up until the day of the elections no one really knew who would turn out to vote. The days leading up to 30 Jan were filled with an inexplicable tension. What message would the Iraqi people have for the world? For themselves? Halfway into the morning of 30 Jan, there still had been no dramatic indication of voter turnout. The afternoon produced a dramatic turn of events. Not only were Iraqis turning out to vote, they were banding together in groups of thirty or more to show their defiance toward the insurgents. Their unanticipated approach to band together in groups with the unspoken tacit agreement that if they were to die they would die together, but vote they would, said more than anyone could imagine.

It was such a powerful statement that it might have been the act that stopped the insurgents from initiating more hostilities. It was such a moving tribute to the Iraqi resolve. Without fanfare, without hype, without computers, without fancy up-to-the-minute lights and camera coverage—just a simple walk to an empty room somewhere, with a few cardboard ballot stations, pencils, and a plain old box into which old-fashioned paper ballots were deposited, to be counted by hand—Iraqis voted for the first time in their lives. Over 10 million Iraqis walked to ballot boxes. Seventy-two percent of eligible, registered voters walked the gauntlet of fear, defying their tormentors head on.

I can add nothing to our brave friend's moving words. I can simply be thankful that he is there for us and for the people of Iraq.

We have and will forever honor our heroes, those serving today and those veterans who rose to the occasion during the calling of their generation. Our Nation, and indeed our State, have lost many brave soldiers in our current war on terror. Ladies and gentlemen, I carry this card every day. This card has the name of every Nevadan who has lost their life in the fight against terrorism. This is something that I carry with me every day to remind myself of the tremendous price of freedom. These courageous Americans, like so many before them, gave the one and only life God gave them, to us and to millions of others so that we all may live in a world that is more peaceful, more free from the tyranny they were called on to defeat. In honor of those Nevadans who gave their lives to provide us a safer America and a freer world, Senator John Ensign and I passed legislation naming the new post office north of Reno in Golden Valley the "Guardians of Freedom Memorial Post Office." My staff and I worked with the North Valleys High School Junior ROTC and the Army National Guard from Stead to come up with the name of that post office. Members of the North Valleys High School Junior ROTC are here with us tonight, and I would like to thank them for their help.

Others with us tonight also deserve recognition. We have Major General Giles Vanderhoof, Command Master Chief Dave Bisson, Colonel Walter Givhan from the 99th Airbase Wing at Nellis. We have Lieutenant Colonel John Summers, Commander of the Hawthorne Army Depot. They are with us tonight. To each of you, thank you for your service that you provide us and, especially, for the leadership that you provide our service men and women. Thank you. You, along with our military personnel based all across America and around the world, remain in our thoughts and prayers.

On another front, this year Congress will take up the next round of Base Realignment and Closure, also known as BRAC. Just over a year ago, in anticipation of this round of BRAC, I formed the Nevada Military Advocacy Commission with the support of our entire Congressional Delegation and the Governor. Our mission is to see that Nevada's bases are properly protected from any closures or major funding or infrastructure cuts. Cuts in Nevada bases would harm us economically and, more important, our Nation militarily. This commission, which is made up of some of Nevada's most notable civic, community, business and veterans' advocacy groups, has spent a year studying the importance of our military installations. We toured bases. We examined the economic benefits that our bases provide Nevada. We held briefings on the environmental and encroachment issues that concern our bases' top commanders. We also explored infrastructure and family-support efforts that are so critical to housing our troops and our families.

As we enter this next round of BRAC, I want to take a moment and thank those who serve on this vital committee for their continued hard work and for their dedication to Nevada's role in our national defense. Some of these dedicated folks also serve right here, with you, in our state government. Senators Mike McGinness and Bernice Mathews and Assemblymen David Parks and Tom Grady, thank you for helping protect our military infrastructure in Nevada. You, along with our executive committee members, Randy Black, Don Snyder, Bob Shriver and Giles Vanderhoof, truly deserve the gratitude and thanks of all Nevadans. Nevada has one of the strongest economies in the Nation. My work will continue in this Congressional Session to see that not only Nevadans continue to prosper but that our entire Country can share in these strong economic times.

One thing we all know is that our economic strength cannot continue in Nevada unless we produce the best and brightest workforce from our educational system. If we cannot demonstrate



our ability to produce a viable workforce, new businesses looking to come to Nevada will certainly look elsewhere.

Currently, Nevada enjoys some of the lowest unemployment rates in the Country and even in our State's history. Much of the credit goes out to people like Senators Steven Horsford and Warren Hardy. Senator Horsford is the president and CEO of the board of trustees for Nevada Partners, a nonprofit organization that provides free, industry-specific job training to many Nevadans. Steven also oversees the Culinary Training Academy, a collaboration between gaming and the Culinary and Bartenders Union, which prepares more than 2,500 people each year for positions in our State's hospitality industry. Senator Hardy is, of course, well known for his leadership with the Associated Builders and Contractors. ABC is constantly working not only to train those who are helping build Nevada, but to fight for affordable health care for their members, advocate for their right to repair and negotiate prevailing-wage job classifications for open-shop contractors. These two Senators come from different backgrounds, advancing different legislative priorities based on different political philosophies. However, they are both well respected because they each possess that heartfelt conviction about these issues and they each care very deeply for our current and future workforce in Nevada.

Because of talents such as these, we have a great opportunity to not only capture businesses seeking to call Nevada home, but also to improve, strengthen and expand those businesses that have been creating good jobs, right here, for generations. We all have a stake in ensuring that Nevada puts education first, and we need to work together in a nonpartisan manner to find and promote ideas on how to achieve true academic excellence. What we do know is that it takes good teachers, involved parents, strong financial support; and for the sake of our kids and their future, our commitment in dollars must to be accompanied by strict standards and accountability.

I had the honor of working with the Department of Education to amend the No Child Left Behind Act to provide flexibility to our schools here in Nevada. When this Act was signed into law, many of Nevada's rural teachers came to me and said that it was nearly impossible to gain certifications as highly-qualified teachers in every subject they teach. You see, in our rural areas, many of these teachers instruct multiple-grade levels, and some, in nearly every subject. They genuinely needed more time than the law provided to gain their certifications. We worked with the Administration to provide that needed flexibility, and now, Nevada's schoolchildren won't lose their truly highly-qualified teachers.

I would like to take this opportunity to introduce Charlotte Petersen, the Superintendent for Humboldt County, who greatly helped that effort to modify the No Child Left Behind Act to accommodate our rural schools. Charlotte, thank you for your valuable service to our children. In the session ahead, I will work to amend the Act further to provide flexibility for our first- and second-generation American students. Nevada's Hispanic population continues to grow, and many of our students speak English as a second language. A majority of these students are very bright, but they are being forced to test only in English, and their skills are not often reflected in their scores. We must work to provide these kids, as well as their parents and teachers, some peace of mind by allowing them additional time to gain command of the English language. I will work with my colleagues in Congress to amend this important Act so we can provide these students the flexibility to take their preliminary tests in their native language. In doing so, we will further live up to the intent of the legislation, as well as the title, by leaving no child behind.

Each biennium, you come to Carson City with fresh numbers on population growth and new school openings. Last September alone, Clark County opened over a dozen new schools, and more will be needed in each of the years ahead. Additionally, we have to provide for those schools which are already open and operational. We need to keep up with that growth and maintenance, and we need to find alternative sources of revenue. In this Congress, I will be proposing an amendment to the Southern Nevada Public Lands Management Act which will keep the money in Nevada by increasing the amount targeted toward educating our kids. Like the No Child Left Behind Act, I supported the Southern Nevada Public Lands Management Act. Former Senator Richard Bryan and now Senator John Ensign deserve a lot of credit for their vision and leadership as the original architects of that legislation. But, now, as we have seen this Act carried out over the last seven years, I want to share with you some important statistics.

Since the first land sale in 1998 under this Act through January of this year, Nevada's General Education Fund has increased by \$79 million. That revenue is from the sale of more than

28,000 acres of land for development in southern Nevada. Now, had the original percentage of revenue earmarked for education been 35 percent, the number I would like to achieve, rather than the 5 percent that it is at today, Nevada's General Education Fund would have increased by sevenfold. Think about it. Instead of \$80 million, it would be closer to \$600 million. And consider this, by the time you next meet again in the Session of 2007, we will have sold off an additional \$1 billion to \$2 billion worth of land in southern Nevada. Under my plan, that would yield an additional \$350 million to \$700 million for our permanent education fund. But, it can only and will only happen if we work together and we act now to amend this legislation.

Folks, when people in Washington, D.C., ask me about Nevada and how is it we are able to work as neighbors with the federal government, I tell them that the federal government is not our neighbor, it is the neighborhood. Currently, the federal government keeps 85 percent of the proceeds of the sale of each and every acre to be used for parks, trails, wildlife restoration and important environmental improvements. That work is critical, and it must continue.

Unfortunately, however, an enormous amount of that funding is also being used to acquire large amounts of private land around the State. Right now, the federal government owns and regulates a surprisingly 91.9 percent of Nevada lands. Since enactment of this legislation, the BLM, as I said earlier, has sold about 28,000 acres. Yet, at the same time, they have used the proceeds from these sales for the approved purchase of more than 156 square miles of private lands elsewhere in Nevada. For comparison, let me say that's equivalent to the size of the Las Vegas Valley, and that includes North Las Vegas and Henderson as well. What happens then is we put our financially strapped rural counties in a worse situation by taking even more of their land off their tax rolls. These rural counties need a reasonable property tax base, just as Clark does, just as Washoe does. They need funds for essential services for their citizens; services like police and fire, hospitals, highway and roadway maintenance and transportation, education, libraries, water and sewer services and other infrastructure needs that everyone in every community expects government to provide.

The federal government, centered some 2,600 miles away, owns and regulates 9 out of every 10 acres in this State. Ladies and gentlemen, I say enough is enough. You know, I have a lot more faith in you to decide Nevada's future than I do the federal bureaucracy. Let me say that some skeptics of my proposal say that it is too risky to try and amend the Act, and others claim that by instituting necessary reforms, we will open up "Pandora's box" allowing others to try to take the money from Nevada. Well, folks, I think we know that this is already happening. The Administration is trying to use the money from this account to pay down the national debt. I oppose that effort. I will also tell you if they are not successful and they do not get their way, I can see politicians from other western states, like California and Oregon, who will try to tap into this account for their own priorities. My plan, my proposal, keeps the money in Nevada—where it belongs.

It sends the signal that, yes, we will open more lands for development in an environmentally responsible way and we will build more homes and businesses will come and our communities will grow. We know that in the years ahead, many new residents will be coming to Nevada. They will be coming with their children, and they will be bringing with them demands for a strong education system. Let us work together. Let us keep this money here. Let us invest it in our children not on additional federal land grabs.

This, and increasing Nevada's share of the federal Payment In Lieu of Taxes, is a high priority for me, and it should be a high priority for everyone. It is quite simple. If our rural counties go bankrupt, it is our populated counties and their citizens who will be stuck with the tab. It was an honor for me to meet with Chancellor Jim Rogers to discuss this issue a few months back and to gain his support for my proposal. Today, each one of your offices received a letter from Chancellor Rogers expressing his support for this proposal. I hope you will join us in supporting this effort. Thanks to Senators John Ensign and Harry Reid, this Act has already been amended to do great things for Nevada from funding the Lake Tahoe Restoration Act to the proposed effort to replenish the Southern Nevada Water Authority's turf-buyback program. Let us work together to put that money to further use here in Nevada. After all, we all would like to see growth pay for growth. That cannot occur when the funds are used by the federal government or to buy up huge allotments of land throughout the State. It does, however, occur when we invest in education, invest in roads, trails, parks and affordable housing—all here in Nevada.

Of course, there will be many more issues for me to work on in Congress like our Nation's energy needs. I look forward to, once again, working to pass meaningful legislation that will make us less reliant on foreign sources of energy. Legislation that will help promote new fuels like biodiesel and alternate-renewable energy like geothermal and solar. This effort of advancing energy independence is not only critical to our economy but critical to our national defense as well.

The same applies to our mining industry here in Nevada. Our economy cannot afford onerous regulations being passed onto our mining industry to the levels where they can no longer afford to operate in Nevada or even in the United States. If we allow this to happen, those operations, and, more importantly, those jobs will go to foreign nations. We all know of the troubles we have had repeatedly over the years by relying so heavily on foreign sources of energy. Every day we see gas prices rise due to OPEC's increase in the price of a barrel of oil. OPEC holds America hostage. This country does not want to end up being held hostage for the metals and minerals that are used to manufacture everything from the cars we drive to the computers we use, to the very lights in this building. In Nevada, mining is part of who we are and why our forefathers settled here. Nevada is, after all, the Silver State. Not only does mining play an enormous role in our economy, it plays an enormous role in households across Nevada.

With me tonight is the Jamarillo family. Stephanie Jamarillo's grandfather worked in the mining industry in Pioche nearly a century ago. Her father worked throughout Nevada in the mining industry as well. Now, she, as a third-generation Nevada miner, Stephanie works for Eagle-Pitcher Minerals and has since 1997. Her husband Ramon is a second-generation Nevada miner. He has been with Coeur Rochester now for nearly a decade. Together, they have two children, Drew and Riley. These kids have a home; they have food on the table; they have a working mom and dad, and, hopefully, a great future in Nevada all because of our mining industry and the support we lend them as political leaders. Ladies and gentlemen, please help me welcome from Lovelock this evening the real face of the mining industry in Nevada, the Jamarillo family.

Let me add that the mining industry is advancing because of scientific breakthroughs. Through the great work of the Mackay School of Mines and the Desert Research Institute, Nevada is at the forefront of these advances. Last year, I had the privilege of seeing some of the fascinating work being done by researchers and scientists at the DRI-Dandini campus in Reno. Dr. Stephen Wells hosted me for a lunch following the tour, but I am sure he will tell you that it was hard getting me out of the lab coat and goggles and into the cafeteria. Let me say, though, through innovative technologies and some of the most brilliant scientific minds on the planet, DRI has come up with their CAVE project. CAVE will serve as a cutting-edge laboratory with an environmental virtual-reality visualization lab. It will be the centerpiece of their work. This project is only the third of its kind in America, but it is the very first dedicated to environmental research. The benefits of this program are quite diverse from helping our military train on different terrain and under varying elements to assisting our federal and state fire-management agencies in determining characteristics of wildfires. I will continue to work in Congress to help fund projects like this because our investment in projects like DRI's CAVE project will ultimately lead to profits tomorrow, not just monetary profits for DRI but the economic profits that come with Nevada emerging as a leading center for scientific research. Dr. Wells, you have a CAVE project that has earned my support and the support of Congress, and I hope it earns the support of the Legislature. Dr Wells, thank you for being here.

On these and all other issues we will work hard to make sure Nevada's voices are heard in the halls of Congress so that each of you and those you represent can have faith in our form of government.

Before I conclude my remarks tonight, I would like to mention a few wonderful leaders who are no longer with us since I was here two years ago: President Ronald Reagan, whom I looked to as a role model and whose vision and optimism inspired so many of us, even with his death, he brought this Country together again as he so often did as President; Governor Mike O'Callaghan, the man who embodied Nevada's can-do spirit and who cared about every single citizen in this State, without regard to race, religion, sex, national origin or political party.

Closer to home, we lost our friend, Sparks Mayor Tony Armstrong. Tony's son, Richard, Richard's wife, Monica, and Tony's wife, Debbie, are here with us tonight. Tony Armstrong and

I had been close friends since we were kids in school growing up in Sparks. We visited each other regularly over the years. We supported each other in our professional and political endeavors. We always reflected fondly on our youth growing up in Sparks. Tony always had that twinkle in his eye, especially, in recent years when he would come up to me and tell me how his pilot training was going or how his golf game was improving. He was so proud that he was learning to fly. Now, I have to admit, I have earned a couple of medals for valor while flying, but I was never brave enough to get into an airplane that Tony Armstrong was piloting—golf cart, yes; plane, no. We would also laugh and laugh about that. That was the way Tony was. I visited Tony on the evening before he was taken from us, and most of you have probably heard that his concern was never for himself but rather for the people he was leaving behind, particularly, the good citizens of Sparks whom he represented and his dear family he loved so much. Many of us lost a friend in Tony Armstrong. So often, in public office, we sometimes find that we focus too heavily on the sacrifices that we make. But, we also can never forget to acknowledge the support of our loved ones. Debbie, we honor your presence, your grace and your undying love for your dear Tony. I invited you so that we could pay tribute to your husband but also so we can pay tribute to you and the sacrifices you and so many other spouses and loved ones make in sharing their dearest friends and partners with the communities they represent.

To every elected official here in this marvelous Chamber, I hope you will join me in recognizing the contributions your loved ones make to support your service. To Debbie and all our spouses and families, thank you.

Ladies and gentlemen, I firmly believe there is no higher honor than being elected to represent your community. With that honor comes responsibility to represent them honestly and to the best of our ability. If we fulfill that responsibility, then, and only then, can we be proud of our service. More importantly, though, those who elected us can be proud of their choice.

Ladies and gentlemen, good night, may God continue to bless America and this great State. Thank you.

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

Motion carried.

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

Senator Rhoads moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:52 p.m.

#### SENATE IN SESSION

At 5:55 p.m.

President Hunt presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolution No. 5.

Senator Raggio moved that the Senate adjourn until Friday, February 25, 2005, at 10:30 a.m.

Motion carried.

Senate adjourned at 5:56 p.m.

Approved:

LORRAINE T. HUNT  
*President of the Senate*

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