

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 28, 2005

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

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

(A United States' Senate prayer, written by the former United States' Senate Chaplain, Peter Marshall.)

Lord Jesus, as we pray for the members of this body, its officers and all those who share in its labors, we remember that Thou wert never in a hurry and never lost Thine inner peace even under pressure greater than we shall ever know. But we are only human. We grow tired. We feel the strain of meeting deadlines, and we chafe under frustration. We need poise and peace of mind and only Thou canst supply the deepest needs of tired bodies, jaded spirits and frayed nerves. Give to us Thy peace and refresh us in our weariness, that this may be a good day with much done and done well, that we may say with Thy servant Paul, "I can do all things through Christ, who gives me strength."

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 Senate Bill No. 66, 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 Judiciary, to which was referred Senate Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Wiener:

Senate Bill No. 143—AN ACT relating to motor vehicles; providing for the issuance of special license plates recognizing current or former employment as a professional law enforcement officer; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Amodei:

Senate Bill No. 144—AN ACT relating to county government; providing for the continued existence and authority of the Douglas County Redevelopment Agency and the East Fork Fire Protection District following the incorporation of a city within Douglas County in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Horsford, Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Wiener; Assemblymen Arberry Jr. and Munford:

Senate Concurrent Resolution No. 7—Recognizing and commemorating the month of February as African-American History Month in Nevada.

WHEREAS, In 1915, Dr. Carter G. Woodson, noted African-American scholar and historian, and son of former slaves, founded the association known today as the Association for the Study of African American Life and History, and in 1926, he initiated Black History Week as the second week in February, to coincide with the birthdays of Frederick Douglass and Abraham Lincoln; and

WHEREAS, For many years, African Americans in the United States celebrated that week, and in 1976, as part of the nation's bicentennial, the week was expanded into the month of February and is now celebrated throughout North America in an effort to bridge the gap created by American history's failure to accurately acknowledge, portray and record the contributions and inventions of African Americans; and

WHEREAS, The original purpose of Dr. Woodson's efforts was to launch a serious platform to neutralize the apparent ignorance and deliberate distortion of the history of the African American and to create a scientific study that would give a more objective and scholarly balance in American and world history; and

WHEREAS, In North America, the celebration of African-American History Month includes lectures, exhibitions, banquets and a host of cultural activities presented throughout the month as a time to examine the collective ingenuity, creativity, cultural and political experience of African Americans; and

WHEREAS, Not only is the month of February significant because of the births of African-American pioneers Frederick Douglass, W.E.B. DuBois, Langston Hughes and Eubie Blake, it is also the month in which such institutions as the National Association for the Advancement of Colored People and the first Pan-African Congress originated, and historians may recall that the first African-American Senator, Hiram Revels, took the oath of office in February 1870; and

WHEREAS, African-American History Month takes on a paramount significance as we approach the 21st century because civil rights laws in combination with such celebrations have exposed the legal consequences of overt discriminatory practices and racial harassment, and the struggles for, and achievement of, independence by African countries in the 20th century have shown the strength, humanity, ingenuity and contributions of the African to human civilization; and

WHEREAS, These revelations have not succeeded in neutralizing prejudicial attitudes that generate discriminatory acts, and even though behavior may be controlled by laws, attitudes can only change through education and the elimination of ignorance; and

WHEREAS, In the words of historian Ralph L. Crowder, the observance of African-American History Month "must be a testimony to those African pioneers who struggled

to affirm the humanity of African peoples and a challenge to the present generation to protect and preserve ... the humanity of all peoples of African descent"; and

WHEREAS, African Americans in the State of Nevada have a long and active history of protesting against racial prejudice and social injustice through writing, community organization and oration and have had among their leaders people such as the Reverend Bill Stevens of Las Vegas, who in the 1940s went daily to restaurants that discriminated against African Americans to attempt to order a meal or a cup of coffee, and Alice Smith, who founded the Reno-Sparks branch of the NAACP in 1945 and organized many religious and community activities throughout her life; 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 recognize and commemorate the month of February as African-American History Month in honor of the contributions of African Americans that reflect a proud legacy of courage and dedication which has helped to guide our nation's success and prosperity; and be it further

RESOLVED, That the Legislature recognizes that there continues to be a need to acknowledge the importance of minorities in both the history and future of this State and that the recognition and observance of African-American History Month is a step in that direction; and be it further

RESOLVED, That the residents of this State are encouraged to join in this observance and reflect on past successes and challenges of African Americans in the United States, and especially in the State of Nevada, as we all look to the future and strive to continue to improve society so that we live up to the ideals of freedom, equality and justice.

Senator Horsford moved the adoption of the resolution.

Remarks by Senators Horsford, Titus, Coffin, Mathews, Nolan and Washington.

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

SENATOR HORSFORD:

I rise in support of the resolution commemorating Black History Month. Since the beginning of American history, Black Americans have made an undeniable mark on the advancements of our Country politically, socially, culturally and religiously.

As the youngest member currently in the Senate, I have been the beneficiary of the progress and advancements those who stood before me have had to endure. I stand on the shoulders of my predecessor, Senator Joe Neal, and my colleagues, Senator Bernice Mathews and Senator Maurice Washington. Today, as this body takes a moment out of our schedules to recognize the achievements and contributions of so many, I wanted to share some insight into why the Black experience in America is something we must all recognize and appreciate.

Upon his return from Norway, having just been honored with the Nobel Peace Prize after the struggle to pass the Civil Rights Act of 1964, Dr. Martin Luther King Jr. decided to travel directly to Washington, D.C., before making it home to Atlanta. He went to Washington to meet with President Lyndon Johnson. Dr. King requested the meeting to stress to President Johnson that the next step on the road to freedom, after the promise of the Civil Rights Act, was the need to pass a Voting Rights Act without which Black Americans in the south would not be able to really change their communities. Although Dr. King made his pitch as the moral leader of that time, Johnson said no and indicated that it would take five or ten years before the Voting Rights Act would be politically acceptable. Instead of complaining, withdrawing or giving up, Dr. King decided to organize so he began working with the Southern Christian Leadership Conference in Selma Alabama which eventually led to "Bloody Sunday," where, then organizer and now Congressman, John Lewis was nearly beaten to death and many more were injured and jailed.

Two weeks later, in response to that brutal event, hundreds of clergy from all across the country went to Selma to march. The whole Nation was watching and the eyes of America were focused on this small town in the South. In effect, what King had demanded of President

Johnson and was told would take five or ten years to accomplish occurred in only five months. King and others of this time, like Congressman Lewis, had changed the wind.

That is exactly what we need in America today is to change the wind. What do I mean by changing the wind? Leaders who know the importance of social justice are motivated by values that give them a real vision for change and are not like those who lick their finger and find out which way the wind is blowing. These leaders work to use their skills, talents, creativity and moral authority to make all the differences that are necessary to change the wind.

To change the wind, you have to know in which direction you want to move. It is all about having a vision. Without real solutions to pressing and increasingly urgent social problems, the people are indeed "perishing" as the ancient biblical proverb tells us will occur when there is no vision.

Would Dr. King and many of the other civil rights leaders who fought so hard be happy with the progress that has been made in America? There are a lot of areas of our society that they would be pleased, but I also believe that there is much work still to be done.

The social justice that King and others fought for meant providing a quality education for every child, feeding the homeless and hungry family, and providing healthcare for the sick. The social dream that Dr. King believed in also expected that all Americans would have the opportunity to obtain livable wages and good employment; it also required that every American would have the right to vote and participate in our democracy.

What is politics for? It is the shaping and guiding of principles that will make the necessary changes for the common good of all humankind and not for such a select few. We in this body, during this legislative session, have an opportunity to change the wind for Nevada and for Nevadans.

SENATOR TITUS:

I would like to point out how appropriate it was that during Black History Month last night at the Academy Awards an African-American actor won the best actor award. Jamie Foxx won for his portrayal of the great, black entertainer, musician, artist, Ray Charles. Morgan Freeman won for best supporting actor. I felt that was just a little sideline to the importance of this resolution.

SENATOR COFFIN:

I was shocked this weekend when I saw a poster offered for sale on the Internet. What this document says is more appropriate today than on any other day of the year for this is the last day of Black History Month. This document is a poster advertising the sale of Negroes in this Country.

Over the years, people have made comments questioning why African-Americans complain about some issues. They say, "Slavery is over. It is all finished. What do we owe them? The Country is free now, and everything is open to them." But, if one thinks back to the attitudes prevalent in this Country before the Civil War, one has to realize how ugly things were. Let the "good old days" be gone. I would like to read the text of this document into the record for today.

A public sale. An auction of Negroes by Richard Clagett.

On Tuesday, March 5, 1833, at 1:00 p.m. the following slaves will be sold at Potter's Mart in Charleston, South Carolina.

Miscellaneous lots of Negroes mostly house servants, some for fieldwork.

Conditions: One half cash, balance by bond bearing interest from date of sale. Payable from one to two years to be secured by a mortgage of the Negroes and appraised personal security. Auctioneer will pay for the papers.

Listing of those available for sale:

A valuable Negro woman accustomed to all kinds of housework. Is a good plain cook and excellent dairymaid, washes and irons. She has four children. One a girl, 13 years of age, another 7. A boy, 5 years and an infant 31 months old. Two of the children will be sold with mother. The others separately if it best suits the purchaser.

A valuable blacksmith, wife and daughters. The smith is in the prime of life and a perfect master of his trade. His wife is about 27 years old and daughters, 12 and 10 years-old, have been brought up as house servants. As such, they are very valuable.

For sale: two likely young Negro wenches. One is 16 years, the other 11. Both have been taught the duties of house servants. The 16 year-old wench has one eye.

A likely yellow girl about 17 or 18 years-old is accustomed to all kinds of house and garden work. She is sold for "no fault" sound as a dollar.

House servants. The owner of a family described herein would like to sell them for a good price only. They are offered for "no fault" because they can be done without and money is needed. He has been offered \$1,250. They consist of a man 30-33 years old who has been raised in a gentile Virginia family as a house servant. Carriage driver. Excels. His wife, a likely wench of 25 to 30 raised in like manor as chamber maid, seamstress, nurse. Their two children, girls 12 years and 4 or 5. They are bright Mulattos of mild tractable dispositions, unassuming manors and gentile appearance and well worthy of notice of a gentleman of fortune needing such.

Fourteen Negro wenches ranging from 16 to 25 years all sound and capable of doing a good days work in the house or field.

Such was a day in American life less than 200 years ago which in the course of human events is but a blink of the eye. A good reminder of how the "good old days" were not so good after all.

SENATOR MATHEWS:

In the honor of Black History Month, I would like to say that I am honored.

I am honored for many reasons. We have come a long way as a race. We have come a long way as women. I sometimes tell people, I am two minorities. I am black, and I am a woman. I know I have come a long way in both respects.

There are some positive things that have happened in our lives. As a race, there have been many positive gains even though we have a long way to go. There would be no way that Senator Washington and myself could be here if we depended on solely the Black or minority vote to be elected. Our districts have only one percent minorities. We are here because we have come a long way. People see us as people, not just as Blacks. I am thankful for that.

If anyone would like to see a real exhibit of Black memorabilia, my daughter has an extensive collection. Someone said her collection is second only to Oprah Winfrey's. I do not know if that is true, but she has a great collection of Black memorabilia consisting of art, figurines or signs saying "White or Black only."

SENATOR NOLAN:

I rise in support of this resolution. There have been discussions in this body during the last several sessions regarding racial issues. I have had a number of discussions on this issue with my former colleague, Senator Neal, and, now, with Senator Horsford, and I have much respect for them both. In Senator Horsford's finishing comments, today, he stated there is still work to be done, and there is.

To cite an example, I received in the mail last week a compact disc and a letter from an unnamed person. The address was from West Virginia. The letter stated "American immigration policy under both Republicans and Democrats." Under that heading, it had inflammatory and derogatory cartoons on the front depicting people of Hispanic, African-American and Jewish cultures boiling a Caucasian family in a pot. More garbage accompanied this letter. It said "How to Ruin a White City" and showed someone shaking a jar of African-Americans over a city.

This type of thing goes on in places other than here. I had a difficult time during some of my discussions with my friends of color. I was raised in a family where color made no difference. My friends were of all ethnic backgrounds. Letters such as this reminds us there are still people out there who judge a person by the color of their skin. This is a call to arms to all of us to help prevent that. I will never know what it is like to walk in the shoes of my friends who are African-Americans. The Legislators here are a shining light for the other members of your race and for all minorities to show what has been accomplished and what can be accomplished.

SENATOR WASHINGTON:

It is important for everyone to understand that we live in a great country. There are many opportunities afforded to all from all races and all backgrounds, to those of each gender and all religions. We must understand that because of the Country we live in, we have made mistakes.

However, our Country has a way of righting its wrongs. Because of that, I am grateful to be in this Country.

Who would have ever thought that in 2004 we would have a Secretary of State of African-American background or that in 2005 we would have a female, African-American as Secretary of State? We now have a Hispanic Attorney General. We have come a long way as a country, and there are still many great opportunities before us. Who will say what is to come next?

We are leaving a legacy in this Chamber, and it will speak volumes of the work, dedication and the commitment that all of us have made not only to the State of Nevada but to the Country as a whole. I hope that it will live up to the creed as it is penned in the Constitution.

Resolution adopted.

Senator Horsford moved that all rules be suspended and that Senate Concurrent Resolution No. 7 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time.

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

Amendment No. 10.

Amend sec. 3, page 4, by deleting lines 8 and 9 and inserting:

"(a) Graduation from a college or university ~~is~~ :

(1) In a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience; and

(2) In a field other than engineering with an academic degree is equivalent to 2 years of active experience ~~is~~,

↪ except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned."

Amend sec. 3, page 4, line 27, after "engineering" by inserting:
"with an academic degree".

Amend sec. 3, page 4, by deleting lines 37 and 38 and inserting:

"(e) ~~Not~~ *In the aggregate, not more than 4 years of active experience may be satisfied by the completion of educational course work ~~is~~ or by graduation from a college or university, regardless of the number of courses completed or degrees earned."*

Amend sec. 4, page 5, line 29, after "(a)" by inserting:

"Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b)".

Amend sec. 4, page 5, line 34, by deleting "(b)" and inserting "~~(b)~~ (c)".

Amend the title of the bill, sixth line, after "licensure;" by inserting:

"providing that graduation from a college or university with certain advanced degrees satisfies part of the active experience requirements for licensure;"

Senator Carlton moved the adoption of the amendment.

Remarks by Senator Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 87.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 17.

Bill read third time.

Remarks by Senators Townsend, Wiener, Carlton, Washington and Hardy.

Roll call on Senate Bill No. 17:

YEAS—21.

NAYS—None.

Senate Bill No. 17 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 49.

Bill read third time.

Roll call on Senate Bill No. 49:

YEAS—21.

NAYS—None.

Senate Bill No. 49 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 70.

Bill read third time.

Remarks by Senator Rhoads.

Roll call on Senate Bill No. 70:

YEAS—21.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Zaynah Rashdan.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to the following students, teachers and chaperones from the Minden Elementary School: Samuel Amador, Bryon Ames, Dustin Anderson, Lisa Balog, Nathan Centeno, Cody Clements, Sean Connolly, Cory Dillon, Myka Forster, Shannan Hayden, Connor Hughes, Brandon Josifko, Nick Maestretti, Luke Nagy, Jef Newby, Marissa Sepulveda, Bailey Sheets, Zoe Stephens, Craig Stratton, Ray Thomas, Jessika Wass, Cody Woodgeard, Danielle Christensen, Elisiel Conchas, Jason Pomeroy, Katiya Resney, Laura Palmer, Marco Gooding, Megan Frost, Selena Kaffer, Sierra Bertolone-Smith, Tonya Blanton, Andy Vardas-Doane, Jordan Pabon, Amy Rice, Brian Lowe, Cameron Morefield, Dan Palmer, Jack Gooding, Kaitlyn Varble, Lindsey Canham, Logan Peterson, Patrick Miller, Niko Teasdale, Ryan Dorsey, Logan Ames, Kaitlyn Barrett, Alexandra Baxter, Alan Bolanos, Keisha Clement, Brittney Deans, Jon Garner, William Jackson, Kendall Jones, Marissa Lopez, Rebecca Rebartchek, Jasmin Sarmiento-Gonzalez, Brooks Sheridan, Luis Sillas-Gonzalez, Jeffrey Tabrizi, Matt Tappen, James TenBroeck, Jake Tessman, Donovan Trudell, Cassandra Uhart, Kyle Voga, Grace Whited, Ramiro Vasquez-Garcia, Tawnie Wentz, B. J. Sherwood; chaperones: Kim Nagy, Sheri Sepulveda, Mary Jo Palmer, Nikki Peterson, Mike Wentz; teachers: William Harvey, Marlene Moyer and Marina Hedwall.

Senator Raggio moved that the Senate adjourn until Tuesday, March 1, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:47 a.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate