

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 17, 2005

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

President pro Tempore Amodei presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Elaine Morgan.

All praise and thanksgiving to You, heavenly Spirit, for Your many gifts. Endow each of us with Your wisdom, understanding and discernment. Enable us to care for the needs of each individual and the welfare of all of the people of our great State of Nevada. In our Lord's Name,
AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDOLPH J. TOWNSEND, *Chair*

Mr. President pro Tempore:

Your Committee on Finance, to which were referred Senate Bills Nos. 94, 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Mr. President pro Tempore:

Your Committee on Human Resources and Education, to which was referred Senate Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bill No. 153; Assembly Bill No. 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Refer to the Committee on Commerce and Labor.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 16, 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. 38.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Titus, Care, Coffin, Schneider, Wiener, Heck, Horsford, Lee, McGinness, Raggio, Townsend; Assemblymen Buckley, Anderson, Parnell, Parks, Claborn, Conklin, Gerhardt, Holcomb, Horne, Mortenson, Munford, Ohrenschall and Pierce:

Senate Concurrent Resolution No. 10—Directing the Legislative Commission to conduct an interim study of the funding that is available to school districts for the maintenance, operation and capital improvement of public schools.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Cegavske, Amodei, McGinness, Nolan and Washington (by request):

Senate Bill No. 190—AN ACT relating to property; revising the time in which a defendant in an action for forcible entry or forcible or unlawful detainer is required to appear and defend the action; increasing the damages that are awarded in such actions; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Schneider:

Senate Bill No. 191—AN ACT relating to real property; requiring an affidavit and report by an expert in support of an action against certain design professionals concerning a constructional defect in a nonresidential building or structure; requiring a court to dismiss such an action if the attorney filing the action fails to file the affidavit or report or fails to name the expert consulted in the affidavit; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources:

Senate Bill No. 192—AN ACT relating to animals; prohibiting the importation of certain live animals to protect this State from the effects of

chronic wasting disease; revising provisions governing alternative livestock; providing a penalty; and providing other matters properly relating thereto.

Senator Rhoads moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 193—AN ACT relating to public health; providing for the regulation of nontransplant anatomic banks; requiring licensure for the maintenance or operation of such a bank; authorizing the Health Division to enjoin any person from operating or maintaining a nontransplant anatomic bank under certain circumstances; authorizing certain inspections of nontransplant anatomic banks; requiring the Legislative Committee on Health Care to review certain regulations concerning nontransplant anatomic banks; requiring the Central Repository for Nevada Records of Criminal History to assist the Health Division in investigating criminal backgrounds; providing penalties; 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 Senator Nolan:

Senate Bill No. 194—AN ACT relating to public safety; requiring the Nevada Commission on Homeland Security to advise and make recommendations to the Governor relative to certain systems of communication; 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 Judiciary:

Senate Bill No. 195—AN ACT relating to courts; increasing the number of district judges in the Eighth Judicial District; increasing the number of district judges in the Eighth Judicial District who must be judges of the family court; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Washington:

Senate Bill No. 196—AN ACT relating to water authorities; requiring the boards of directors of certain water authorities created pursuant to the Interlocal Cooperation Act to include a Legislator appointed by the Governor; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Wiener, Heck, Washington, Cegavske, Horsford, Mathews and Nolan:

Senate Bill No. 197—AN ACT relating to public health; providing for the establishment of the State Program for Fitness and Wellness; providing for the establishment of the Advisory Council on the State Program for Fitness and Wellness; authorizing the Health Division of the Department of Human Resources to apply for and accept grants and other money to carry out the Program; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Care, Amodei and Assemblywoman Ohrenschall:

Senate Bill No. 198—AN ACT relating to the Uniform Commercial Code; revising the provisions of Articles 3 and 4 of the Uniform Commercial Code; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Care, Amodei and Assemblywoman Ohrenschall:

Senate Bill No. 199—AN ACT relating to business entities; adopting the Uniform Partnership Act (1997) and the Uniform Limited Partnership Act (2001); and providing other matters properly relating thereto.

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

Motion carried.

By Senators Care, Amodei and Assemblywoman Ohrenschall:

Senate Bill No. 200—AN ACT relating to the Uniform Commercial Code; revising the provisions of Articles 2 and 2A of the Uniform Commercial Code; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Care, Amodei and Assemblywoman Ohrenschall:

Senate Bill No. 201—AN ACT relating to the Uniform Commercial Code; revising the provisions of Articles 1 and 7 of the Uniform Commercial Code; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Senate Bill No. 153 be rereferred to the Committee on Commerce and Labor.

Remarks by Senator Washington.

Motion carried.

Senator Washington moved that Assembly Bill No. 71 be rereferred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 164.

Bill read second time and ordered to third reading.

Assembly Bill No. 55.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 141.

Bill read third time.

Remarks by Senator Nolan.

Roll call on Senate Bill No. 141:

YEAS—20.

NAYS—Carlton.

Senate Bill No. 141 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34.

Bill read third time.

Roll call on Assembly Bill No. 34:

YEAS—21.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 17, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 7.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7—Commemorating the 100th anniversary of the City of Sparks.

WHEREAS, The members of the 73rd Session of the Nevada Legislature wish to congratulate the City of Sparks on its 100th anniversary; and

WHEREAS, As Nevada's fifth largest city, Sparks now has a population of approximately 78,500 residents; and

WHEREAS, Sparks is located in the Truckee Meadows between the Carson and Virginia Mountain Ranges; and

WHEREAS, In 1902, there was nothing 4 miles east of Reno except swampland and ranches, and like many cities in Northern Nevada, the history of the City of Sparks is closely related to the development of railroad transportation, and when Southern Pacific Railway Company, the new owner of the main line across Northern Nevada, shortened the route, the new route bypassed Wadsworth, which had accommodated the roundhouse and maintenance shops for 40 years; and

WHEREAS, Southern Pacific started its Wadsworth employees by offering to pack up every house in the town and ship it to the new location free of charge, and in the summer of 1903, 67 names were drawn from one hat and 67 lot numbers from another, giving to each of the employees clear deed to a 50 by 140 foot lot near the new roundhouse at \$1 a lot; and

WHEREAS, The City had been called East Reno, New Wadsworth and Harriman for a while, but that did not suit the independent spirit of the new residents, and in 1904, the City was officially named the City of Sparks after then Nevada Governor “Honest John” Sparks, who was instrumental in its development, and in 1905, Sparks became an incorporated city, with Governor Sparks hosting a barbecue for the residents in celebration of the honor; and

WHEREAS, Sparks has become widely known as the premier special events venue for Northern Nevada in focusing on events that include the entire family, the heart of the city being Victorian Square with its old-fashioned ambiance and charm; and

WHEREAS, Serving as the official kick-off to the Sparks Centennial Celebration, the 2004 Sparks Hometowne Christmas gala, an annual event which has become Northern Nevada’s largest Christmas celebration, highlighted “A Centennial Christmas, Celebrating 100 Years of Sparks, 1905-2005,” where families get into the spirit of the holiday season with delicious refreshments, booths with arts and crafts perfect for gift giving, fun activities for children, the Hometowne Christmas Parade with a special appearance by Santa Claus and a tree-lighting ceremony complete with free hot cocoa, cake, cookies and hot roasted chestnuts; and

WHEREAS, Sparks is well known for its outstanding parks and recreation system with numerous neighborhood parks, regional sports facilities and a large number of fun recreation programs designed to appeal to everyone from preschoolers to senior citizens, and Sparks Marina Park, the newest addition, is 80 acres of water surrounded by a lighted walking trail where you will find people of all ages walking and talking, and it includes such amenities as two swimming beaches, two sand volleyball courts, numerous picnic tables and gazebos, a bandstand for summer concerts, and facilities for boating, fishing and scuba diving, and while the families are enjoying all this outdoor activity, they have a breathtaking view of the nearby mountains; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature invite all Nevadans to join with the residents of this fine city in celebrating their 100th anniversary; and be it further

RESOLVED, That the City of Sparks is hereby congratulated for focusing on the many events that bring family and friends together and for providing an outstanding quality of life for its residents; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Mayor and City Council of the City of Sparks.

Senator Washington moved the adoption of the resolution.

Remarks by Senator Washington.

Senator Washington requested that his remarks and the following excerpt of an article which appeared in the *Reno Gazette-Journal* be entered in the Journal.

Thank you, Mr. President pro Tempore. Today, we take pride in the small city of Sparks. I call it the best kept secret in Nevada. The residents enjoy their city, and enjoy their City Council and the Mayor. We have a wonderful community.

Reno Gazette-Journal of Tuesday, March 15, 2005

Imagine a small, young desert town booming with the anticipation for growth. Sparks began when the Southern Pacific Railroad switching yard was transferred from Wadsworth, Nevada, in 1905. At that time of Sparks, the total population was 1,500. Sparks is comparable to a train swiftly moving along its course with the force to make it despite obstacles. Governor John Sparks died in 1908, long before he could witness the incredible growth of his namesake city.

Stirring events during the beginning of the 20th Century include the Sparks Suffragettes rallying at the Sparks Justice Court on B Street. By the end of January 1913, the Nevada Legislature had passed an amendment granting women the right to vote, though it was defeated a year later in Reno. Additionally, the first talking movie was shown in a Sparks theatre in 1929.

President Franklin D. Roosevelt gave a speech to Sparks residents in the Southern Pacific Railroad Yard in 1936 and nine years later Sparks residents rose to support World War II by raising an astounding \$600,000 to purchase a B24J Bomber. Boeing painted "Spirit of Sparks" on the side of the plane, which flew over 150 combat missions. The Patriotic citizens were also on the move, with the population increasing approximately 253 percent from the original 1,500.

Sparks was a welcoming place to call home, but the economy lacked what its neighboring Reno could offer for employment and entertainment. Many chose to work in the surrounding areas but preferred to call Sparks home due to the affordable housing. This caused the area of Sparks to be referred to as a "bedroom community." The 1960s proved to be a dominant and commanding time for the growing city; the idea was formed and favored to incorporate Sparks into Reno, the area to be renamed "East Reno." Sparks' beloved citizens defended their tiny territory and claimed their independence.

By the early 1990s Sparks had began its redevelopment process of the city. Victorian Square Plaza was created; Mayor Bruce Breslow helped Century Sparks 14 Theater open on Victorian Square, the first movie theatre in downtown Sparks in the past 30 years. Mayor Tony Armstrong collaborated efforts with the city to finalize the construction in Victorian Square. After the flood of 1997, Mayor Armstrong helped to open the Sparks Marina Park to the public. Mayor Tony Armstrong was propelled into the national news spotlight by posting "God Bless America" signs in Sparks City Hall after previous signs had been cut to remove the word "God."

Sparks hosts numerous of events annually. The first "Western Basque Festival" in the country debuted in Sparks in 1959, with an estimated 6,000 Basques from surrounding states attending the popular event. To heighten tourism in Sparks during Labor Day weekend, John Ascuaga's Nugget hosts the "Best in the West Rib Cook-Off" on Victorian Square, a regular since 1989. Another festival on Victorian Square is the "Hometowne Farmer's Market" and "Hometowne Christmas".

In 2000, the city of Sparks got its own Fourth of July fireworks display, with the unveiling of Star Sparks. Another magnificent feat is the surprising growth rate to an astonishing 81,673 by 2004.

The Nugget started as a coffee shop with only 60 seats and a small casino in 1955. Five years later a determined young businessman by the now-renowned name of Mr. John Ascuaga purchased the shop and magically transformed this cozy café into the colossal, towering success you can see today. John added two towers, building the number of rooms to approximately 1,600. John Ascuaga's Nugget is now the largest employer of Sparks, employing some 2,000 people. He has redefined entertainment with this treasured landmark. It features five 24-hour bars, sports book, a 700-seat showroom, convention center, health club, and over 75,000 square feet of casino space! John Ascuaga's Nugget celebrates its 50th birthday alongside Sparks' Centennial!

Future developments for Sparks includes completing the Copper Canyon Commerce and Technology Park, creating retail spaces to bring redevelopment within the Square to full conclusion, and to propel the population which is expected to reach to 125,000 by 2025.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Assembly Bill No. 29.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Teri Yeoman and Ronald Schmitt.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Mayor Geno Martini, Shaun Carey, John Mayer, Phil Salerno, Rob Joiner, Scott Carey, Kathy Brown and Michael Carrigan.

Senator Nolan moved that the Senate adjourn until Monday, March 21, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 11:45 a.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate