

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 31, 2005

Senate called to order at 11 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. John Jackson.

Heavenly Father,

Today is a beautiful day. Thank You for that. Thank You for the very breath that we breathe. We honor You today as the Creator of the Universe, and we honor You for the work that You do in our lives each day.

I ask You for Your blessing upon the women and men of this Senate; give them direction, wisdom and courage in all they decide on our behalf. We ask this today, humbling ourselves before You and Your leadership in our lives.

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. 257, 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 Human Resources and Education, to which were referred Senate Bills Nos. 72, 197, 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 Natural Resources, to which was referred Senate Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEAN A. RHOADS, *Chair*

Madam President:

Your Committee on Taxation, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources:

Senate Concurrent Resolution No. 15—Commending the participants in the successful effort to improve the conservation of and assist in preventing the listing of the sage grouse as a threatened or endangered species and encouraging the continuation of conservation efforts.

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

Motion carried.

Senator McGinness moved that Assembly Bill No. 489 be placed on the Second Reading File.

Remarks by Senator McGinness.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 169.

Bill read second time and ordered to third reading.

Senate Bill No. 180.

Bill read second time and ordered to third reading.

Senate Bill No. 189.

Bill read second time and ordered to third reading.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by Senator Amodei:

Amendment No. 122.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 81 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any capital credit distributed to a member by an electric cooperative formed under NRS 81.410 to 81.540, inclusive, which remains unclaimed for 1 year after the date authorized for distribution reverts to the cooperative and is not subject to the provisions of chapter 120A of NRS if:*

(a) Not more than 6 months after the date the capital credit was authorized for distribution, the cooperative gives notice to the member that the capital credit is available; and

(b) The member fails to respond to such notice within 30 days after his receipt of the notification.

2. *The notice pursuant to subsection 1 must be sent by mail to the member at his last known address, as it appears in the records of the cooperative.*

3. *As used in this section, "capital credit" means money which is credited to the capital account of a member of a cooperative after deducting the*

member's pro rata share of the operating costs of the cooperative from the amount paid by the member for electric service."

Amend the title of the bill, fourth line, by deleting "Act;" and inserting: "Act under certain circumstances;"

Amend the summary of the bill to read as follows:

"SUMMARY—Provides that unclaimed capital credit of certain nonprofit cooperative corporations is not subject to provisions of Uniform Disposition of Unclaimed Property Act under certain circumstances. (BDR 7-839)".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 270.

Bill read second time and ordered to third reading.

Senate Bill No. 271.

Bill read second time and ordered to third reading.

Senate Bill No. 278.

Bill read second time and ordered to third reading.

Senate Bill No. 334.

Bill read second time and ordered to third reading.

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 124.

Amend sec. 3, page 3, by deleting lines 36 through 40 and inserting: "*for which no assessed valuation was separately established for the immediately preceding fiscal year.*".

Amend sec. 3, page 4, line 13, after "5." by inserting: "*The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:*

(a) *The operation of a home business out of a portion of that single-family residence; or*

(b) *The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.*

6."

Amend sec. 4, page 5, by deleting lines 17 through 29 and inserting:

"(b) *Eight percent of the amount determined pursuant to paragraph (a).*

2. *Except as otherwise required to carry out the provisions of sections 5 and 7 of this act, the owner of any remainder parcel of real property for which no assessed valuation was separately.*

Amend sec. 4, page 6, by deleting lines 16 through 24 and inserting:

"(b) Eight percent of the amount determined pursuant to paragraph (a)."

Amend sec. 4, page 7, line 5, after "(b)" by inserting: *"'Remainder parcel of real property' means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.*

(c)".

Amend sec. 10, page 9, by deleting lines 5 through 9 and inserting:

"Sec. 10. 1. The Legislative Commission shall conduct an interim study of the taxation of real property in this State.

2. A subcommittee must be appointed for the study consisting of three members of the Senate appointed by the Majority Leader of the Senate and three members of the Assembly appointed by the Speaker of the Assembly."

Amend sec. 10, page 9, lines 23 and 26, by deleting "committee" and inserting "subcommittee".

Amend sec. 10, page 9, by deleting line 29 and inserting "subcommittee."

Amend the title of the bill by deleting the third and fourth lines and inserting: "property; directing the Legislative Commission to conduct an interim study of the taxation of real property; and".

Senator McGinness moved the adoption of the amendment.

Remarks by Senators McGinness, Carlton, Hardy, Care, Horsford, Beers and Coffin.

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

SENATOR MCGINNESS:

Thank you, Madam President. In paragraph (a) of the first page of the amendment, it states that the owner of a single-family residence does not become ineligible if that owner operates a home business out of that residence or if, as indicated in paragraph (b), a residence is held by a trust as long as the owner occupies the home.

On the second page of the amendment, all other property is capped, except for an owner-occupied single family residence, at 8 percent. This replaces the 10-year rolling average or the two times Consumer Price Index. In the middle of the page where it says amend section 4, page 7, line 5, this addresses a piece of property that is larger and may be subdivided. For example, if a 100-acre property exists and 10 acres are sold, then the remaining 90 acres will not be considered as new property and will keep the same assessment that it had. In section 10, the committee changed the manner of appointment to the interim committee from the Legislative Commission to giving that power to the Majority Leader in the Senate and the Speaker in the Assembly.

SENATOR CARLTON:

I rise in opposition to this amendment, particularly to the "hard-cap" provision in the amendment. I do not believe it is needed. We already have a hardship provision for businesses under NRS, Title 32, Chapter 361.2275. There is a mechanism for a business that could have a hardship under the original bill. I do not believe this amendment protects small businesses. I think it protects big businesses, the top 10 of the top 16 businesses on the assessor's website. The top 10 of the top 16 are located in the resort corridor in southern Nevada. I stand opposed to the amendment.

SENATOR HARDY:

I had not planned to make remarks on this issue. I will speak in hopes of answering questions of my good friend from southern Nevada. This is not just a protection for businesses, small or large. This amendment provides protection for all other properties not included in the 3-percent cap. The amendment includes provisions for those living in apartment complexes, for those who rent homes that would otherwise have that increase in tax passed on to them.

I do not know why we have decided in the past two legislative sessions to declare war on big business. I am a proud protector of big business. I do not know why we have decided to declare war on our State's biggest industry. I am a proud protector of gaming interests and their ability to provide jobs to a large portion of our citizens. If that makes me a protector of big business, then, I am proud to have that title. I accept it with pride.

SENATOR CARE:

There must be a factual dispute, and I ask the proponents of the amendment to address Senator Carlton's question. I do not know what the facts are, but she has raised the question regarding big business, and I want to know whether it is true or false.

SENATOR BEERS:

The answer to the question is "no." You can not tax a business. You can try. One of three things inevitably occurs. One is they will increase their revenue meaning the cost of the tax is passed on to consumers. Two is they decrease their expenses and for virtually all Nevada businesses and certainly the top ten big businesses my colleague mentioned, the largest expense is the people who work there. In that instance, they will take it either in smaller raises next year or in decreases in benefits. Three is the business will close under the weight of its ever-increasing, crushing expenses. My opinion is, "The answer is no."

SENATOR CARLTON:

I need to make something perfectly clear. I am not at war with the industry that employs me nor am I assaulting them. I am merely putting some facts on the record from the assessor's role. When you look at the top 16 taxpayers in this State, 10 are located on the resort corridor. I am not disputing that or saying it is bad. I am not criticizing them for that. I am merely putting the facts on the record. It was asked in committee yesterday, and it piqued my curiosity so I did some investigation. I am disclosing that I work for this industry, and it is not my intention to go to war with them. Going to war with big business would not have a beneficial effect on the people I represent or myself. All questions need to be answered when we make these decisions.

SENATOR HORSFORD:

I have a question for the Chair of the Senate Committee on Taxation or one of the proponents of the amendment. Could I receive an explanation of what discussion occurred in committee regarding the parcels that would be covered by apartment complexes? What guarantees are in place that the owners of the parcels will pass this cap benefit along to the renters of those units?

SENATOR MCGINNESS:

There was a representative from the Apartment Owners Association present in committee. They asked for relief, and they would get it under the 8-percent cap; whereas before, there was no cap. There is no guarantee that the relief will be passed on to the renters. We think, hopefully, they would.

SENATOR BEERS:

Vacancy rates are the primary driver of passing that savings along to renters. To the extent there are vacancy rates, landlords will reduce their rates to be in competition with their competitors. When that occurs, the savings would be passed along to renters.

SENATOR COFFIN:

I want to thank the Chair and Legal Counsel for permitting the inclusion of the language in section 3 which gives additional protection to people having small businesses in their homes. It is surprising to most people that there could be between 200,000 and 300,000 people actually domiciled in their homes and doing business there. This protects them from getting into a trap

that local government might inadvertently set whereby they look at a tax roll and see that a business tax is being paid and assume at that address business is the primary focus of the operation. This language gives additional protection to the homeowner.

Amendment adopted.

The following amendment was proposed by Senator Titus:

Amendment No. 105.

Amend sec. 3, page 3, by deleting lines 4 through 7 and inserting:

"Sec. 3. *The Legislature hereby finds and declares that, based upon the information available at this time, the extreme instability of the factors that make up the basis of our current property tax assessment procedures will almost certainly result in tax bills on July 1, 2005, that cause a severe economic hardship for most, if not all, Nevadans within the meaning of*".

Amend sec. 3, page 3, by deleting lines 23 through 34 and inserting:
"exceeds the amount of all the ad valorem taxes:

(a) Levied in that county on the property for the immediately preceding fiscal year; or

(b) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year, whichever is greater."

Amend the bill as a whole by renumbering sections 10 through 13 as sections 11 through 14 and adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. Section 3 of this act is hereby amended to read as follows:

Sec. 3. The Legislature hereby finds and declares that, based upon the information available at this time, the extreme instability of the factors that make up the basis of our current property tax assessment procedures will almost certainly result in tax bills on July 1, 2005, that cause a severe economic hardship for most, if not all, Nevadans within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in subsection 2 or required to carry out the provisions of sections 5 and 7 of this act, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the *sum obtained by adding:*

(a) The amount of all the ad valorem taxes:

~~{(a)}~~ (1) Levied in that county on the property for the immediately preceding fiscal year; or

~~{(b)}~~ (2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year, whichever is greater ~~{+}~~; and

(b) *Three percent of the amount determined pursuant to paragraph (a).*

2. The provisions of subsection 1 do not apply to any property for which no assessed valuation was separately established for the immediately preceding fiscal year.

3. The amount of any ad valorem taxes levied in a county which, if not for the provisions of subsection 1, would otherwise have been collected for any property for a fiscal year must, except as otherwise required to carry out the provisions of section 6 of this act, be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year. The provisions of this subsection and section 6 of this act must not be applied in any manner that reduces the amount of the partial abatement to which an owner of property is entitled pursuant to subsection 1 for any fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.

(b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.

(d) "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, time-share project, planned unit development or similar property, if classified as personal property for the purposes of this chapter.

(e) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, time-share project, planned unit development or similar property, if classified as real property for the purposes of this chapter."

Amend sec. 11, page 9, line 38, by deleting "act" and inserting "section".

Amend sec. 11, page 9, line 39, by deleting "act," and inserting "section,".

Amend sec. 13, page 10, by deleting lines 9 and 10 and inserting:

"Sec. 14. 1. This section and sections 1 to 9, inclusive, 11, 12 and 13 of this act become effective upon passage and approval.

2. Section 10 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of that section; and

(b) On July 1, 2006, for all other purposes."

Senator Titus moved the adoption of the amendment.

Remarks by Senators Titus and Townsend.

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

SENATOR TITUS:

Thank you, Madam President. This is a simple amendment, but, with your permission, I would like to address the contents of the bill in order to better explain where it fits, how it works and why it is needed.

Assembly Bill No. 489, as amended in committee, puts a 3-percent cap on property-tax bills beginning in 2005 for owner-occupied homes and further caps all other property at 8 percent. There is no sunset provision.

There are parts of this bill I like, a 3-percent cap for homeowners is closer to a freeze than any other proposal considered. It is certainly better than the 6 percent originally proposed. The bill also contains an interim study which I have called for from the beginning. But, there are parts I do not like which is why I am bring forth this amendment to freeze property-tax bills for homeowners for one year before the 3-percent cap kicks in. Let me explain.

First, this so-called hybrid, 3-percent/8-percent, cap is great for Wal-Mart, people in expensive homes, out-of-state land speculators and for gaming companies whose property values have skyrocketed in recent years. It does not, however, help the little guy living in the heart of urban Nevada or in the wilds of rural Nevada whose property has not increased in value. A 3-percent cap, which is, in effect, a guaranteed annual increase of 3 percent, represents a huge savings for the millionaire in the home on the golf course or in the luxury high-rise condo, but it does nothing for homeowners in older, more depressed areas where a 3-percent increase annually is about what they are paying now if not more. Meanwhile, their cost for gasoline has gone up, along with their power bills, their health insurance, if they have any, their loaf of bread and gallon of milk, their kids' braces and their aging parents' drug costs.

It makes no sense to me to give a huge break to some, including speculators who have caused much of the problem, and yet give no break to those less fortunate who are working hard to own a modest home.

Some will argue that local governments and the State cannot afford a one-year freeze for homeowners. Yet, they can afford a permanent 8-percent cap on businesses? Please.

Though I question the value of these projections, I offer you these numbers, which I have handed out. You can see that the difference in terms of revenue for government is small when

you compare the 3-percent cap in the bill with a freeze, but when divided up, it can make a big difference for the little homeowner. Take the Clark County School District, for example, under the 3-percent cap, they would get \$387,314,222. Under the freeze, they would get \$383,131,516 which is still a 7.6-percent increase over last year. At the state level, the difference in revenue generated is between 7.2-percent growth with a 3-percent cap and 6.0-percent growth with a 3-percent cap and 6.0-percent growth with a freeze. The difference in the hit to the Distributive School Account (DSA) is about \$6.2 million. That is not much in a year when half a billion dollar surplus is anticipated.

Second, if you had sat in the Committee on Finance, like I have for the past two months, you would realize that the Governor's proposed \$300 Department of Motor Vehicles (DMV) rebate is a pipe dream. It is not going to happen. There have been more changed orders, more revisions and more mistakes in the budget than ever. There are dozens of new projects, all worthwhile, which require funding. There is a need for \$10 million for a cancer center, a new \$11 million Ely courthouse, \$14 million for new voting machines, \$19 million for economic development, \$2 million for Boys and Girls Clubs and \$70 million for all-day kindergarten.

Do not get me wrong. These are good programs and should be funded in a year when there is extra money because we need to invest in Nevada's future. We need to do everything we can to move off the bottom of every good list and the top of every bad list as we look forward to the kind of state we want to be ten years from now.

At the same time, when there is a windfall, we should give some back to the citizens to reinvest in the State in the ways that fit their own personal needs. Let us freeze property taxes for a year and give a tax rebate.

That is what a one-year freeze would be. Take for example a \$150,000 house in Clark County that increased in value in 2005 to \$200,000. The assessed value increases from \$52,500 to \$70,000 and the tax liability increases from \$1,617.79 to \$2,157.05. With a freeze, the tax bill would not increase; it would be the same for next year, thereby, giving the homeowner a guaranteed property-tax rebate of \$539.26. Admittedly, the more your property has increased the more rebate you get, but under the freeze, at least everybody gets something. Is that not fair?

I say, let us give Nevadans a real rebate now in the form of a property-tax freeze. They will get more than they would have gotten under the Governor's proposed DMV rebate. More people will benefit, and by passing this amendment now, we guarantee something will be set aside for taxpayers before the final consideration of projects occurs in the frenzied final days of the session.

Local governments can still get all the growth money as new and improved property comes on the rolls at value. The State can make up any catastrophic losses to local governments in rural Nevada and school districts with funds from the huge surplus we are anticipating. And, there will still be enough money left over to invest in such worthwhile projects as Millennium Scholarships and mental-health facilities. Everyone wins.

SENATOR TOWNSEND:

The presentation as usual was articulate; however, the only documentation provided to us to match up with the assumptions within the presentation is a property-tax analysis by taxing an entity on a freeze and with Clark County highlighted in the last few statements that dealt with the amount of revenue necessary in the current surplus to fulfill these requirements.

Do we have access to those numbers, and is it a certain number of dollars? You did give us the additional reduction to the DSA, but how does this affect the state-bonding requirements and what are the additional monies that could be replaced with the budget surplus? Do we have those numbers in the projections or in any of the information we have in our hands?

SENATOR TITUS:

The figures that I gave to you are what the staff gave to me. You should have one set of figures with all the calculations based on the 3-percent cap and another set of figures with all the same calculations based on the freeze. You have to compare the two sets of charts. They also gave me the figures for the difference in growth for the State with 6.0-percent growth under a freeze and 7.2-percent growth under a 3-percent cap. The hit on the DSA would amount to \$6.2 million.

The problem with these figures is they change by the minute. If you look at the bottom of the page, you will see that staff has to put the time they were issued because they change so quickly. Furthermore, staff cannot project beyond one year, and that is why there is only one year's worth of projections in these charts. We do not know what will happen after a year.

I would remind you that these figures, that have been handed out, have to do only with property tax. Property tax makes up about 19 to 40 percent of any local government's budget. We do not have any of the projections for all the other taxes. We do know that they are coming in at record-high levels including liquor tax, cigarette tax, property-transfer tax, gaming tax and sales tax, all sources of revenue that can make up for any loss resulting from a one-year freeze.

SENATOR TOWNSEND:

I appreciate the answer, and it helps me get part way to a resolution on this amendment. The percentages that were articulated with regard to the total revenue that comes from property tax in each county and our largest county is not in this debate at the moment. But, the rural counties, who may have 40 percent of their budget coming from property tax, do any of them have any current contracts that a lack of additional revenue might impact?

SENATOR TITUS:

I would refer that question to the Chair of the Committee on Taxation. Were those questions brought forth when they considered an 8-percent cap on business as well as the 3-percent cap on homeowners? I think the answers to those questions would apply in this case as well.

I also recall that there was talk in the Committee on Taxation about creating a special fund or set-aside dollars to help local governments that ran into any problem especially in rural Nevada. You could do the same thing with this provision that you could do with the original bill. This simply changes the 3 percent to a zero for one year only. If those questions were answered under the original bill, they should be applicable under this amendment as well.

Senators Titus, Wiener and Coffin requested a roll call vote on Senator Titus' motion.

Roll call on Senator Titus' motion:

YEAS—10.

NAYS—Amodei, Care, Carlton, Hardy, Heck, McGinness, Raggio, Rhoads, Schneider, Townsend, Washington—11.

The motion having failed to receive a majority, Madam President declared it lost.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 35.

Bill read third time.

Remarks by Senators Rhoads, Hardy and Beers.

Roll call on Senate Bill No. 35:

YEAS—20.

NAYS—Hardy.

Senate Bill No. 35 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 192.

Bill read third time.

Remarks by Senator Rhoads.

Roll call on Senate Bill No. 192:

YEAS—21.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 107.

Bill read third time.

Roll call on Assembly Bill No. 107:

YEAS—21.

NAYS—None.

Assembly Bill No. 107 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 12 m.

Motion carried.

Senate in recess at 11:41 a.m.

SENATE IN SESSION

At 12:01 p.m.

President Hunt presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Resolution No. 6—Inducting Ann O'Connell into the Senate Hall of Fame.

WHEREAS, The Senate of the Legislature of the State of Nevada has established a Senate Hall of Fame whose members are selected by leadership from those past Senators who have served with distinction and who have made exemplary contributions to the State of Nevada; and

WHEREAS, Ann O'Connell represented the residents of Clark County Senatorial District No. 5 in the Nevada Legislature for a total of 20 years, from her election in 1984 to 2004, constituting the longest service in the Senate by a woman in Nevada history; and

WHEREAS, During the course of her distinguished service in the Senate, Senator O'Connell served as Chairwoman of the Senate Committee on Government Affairs, as Chairwoman and Vice Chairwoman of the Legislative Commission and as Chairwoman and Vice Chairwoman of the Legislative Committee for Local Government Taxes and Finance, as well as presiding over numerous interim study committees; and

WHEREAS, Among her numerous accomplishments in the Legislature, Senator O'Connell pioneered a consensus building approach to study the distribution of state and local tax revenues among local governments in Nevada, promoted public school accountability, was instrumental in the preparation of academic standards for each grade in the public elementary and secondary schools, and championed the cause of suicide prevention by establishing a statewide suicide prevention program and sponsoring legislation to fund a nationally recognized 24-hour hotline; and

WHEREAS, Senator O'Connell was renowned for tackling the most difficult and contentious legislative issues by encouraging an inclusive process, ensuring that all parties had an opportunity to be heard, and tirelessly working to make legislation a product of the people she represented; and

WHEREAS, Senator O'Connell has served as a mentor to many new Legislators by guiding them in their introduction to the legislative process and by initiating them into the culture of the Legislature and its importance as a democratic institution; and

WHEREAS, Senator Ann O'Connell has been and continues to be an excellent role model for Legislators, women and the youth of today by embodying the principles of integrity, dedication, insight and respect for diverse opinions; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That Ann O'Connell, a leader known for her dedication, work ethic and consideration for others, is hereby inducted into the Senate Hall of Fame of the Legislature of the State of Nevada.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio, Cegavske, Titus, Hardy, Amodei, Washington, Care, Schneider, McGinness, Tiffany, Mathews, Townsend and President Hunt.

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

SENATOR RAGGIO:

It is my pleasure to speak in favor of this resolution honoring former Senator Ann O'Connell. The resolution cannot go far enough to honor Ann O'Connell. She has already made a correction to the resolution stating it is wrong because she is not just the longest serving woman Legislator in the Senate but also in the entire Legislature. True to form, she is nit picking today as she did during the entire time we served together.

Senator O'Connell was born in Albuquerque, New Mexico. She attended the University of New Mexico. She received training through the International Council of Shopping Centers which is where I first met her. I was running for the U.S. Senate in 1970 and was walking the precincts in Las Vegas in the middle of summer. I learned at that time that there were far more Democrats than Republicans in Clark County. I was walking through the Boulevard Mall, and she felt sorry for me because no one would shake hands with me because I was running against the incumbent. She came to my rescue, took me in and offered me a cold drink. Since that time, I have gotten to know her and had the opportunity to work with her.

Senator O'Connell is a Republican, first elected to the Nevada Legislature from Clark County in 1984. She served 20 continuous years in this body.

I asked the Research Division to find me an appropriate quote, and they gave me one from Margaret Thatcher, former Prime Minister of Great Britain. She once said, "In politics, if you want anything said, ask a man. If you want anything done, ask a woman." I think this statement is true of Ann O'Connell.

She is a strong willed and effective woman. She knows how to get things done. She came to this body from the business world where she operated a number of successful businesses. She knows what it is like to make a business plan, raise capital, make a payroll and all that goes into a successful operation. During her 20 years in the Legislature, she brought to the business of the public the same hardheaded business-like habits she learned in her private sector. As you know, she was one of the more conservative members of this body. She was conservative in both social and fiscal policy. She firmly believed that government should not take from its citizens the fruits of their labors. She was a staunch advocate of efficiency in government. She religiously read all the audit reports on state agencies. Audit reports are not the lightest reading. She cared deeply about how agencies were doing and about how the resources of the public were being used. At the same time, she had a strong understanding and sympathy for the outcast and for those who felt unwanted and unneeded.

She was concerned about the high rate of suicide. She was passionate about prevention. Nevada has a high rate of suicide for many reasons. During her years in the Senate, she devoted

herself to understanding that issue. She developed strategies to address it. She brought together many men and women from many occupations. They were clergymen, doctors, educators, families of suicide victims and law enforcement. She devoted an intense interest into dealing with this heart-breaking problem.

In the Legislature, Ann O'Connell was the voice of the small independent business operator. She advocated privatization of public services whenever possible. She firmly opposed public programs that competed with private enterprise. She advocated reasonable tax, regulatory policies that would not place undue burdens on small business. She was a zealot on this issue.

We have had many good former Senators who have been honored, but no member of this body was more conscientious or diligent in serving her constituents. Thousands of residents who reside in her district and throughout the State will tell how grateful they are that she served. When asked for help, her door was always open. She was there to help solve difficult problems with state and local governments. She corralled every advisor she could. They were her army. She answered every letter. She returned every telephone call. She was a good example for the rest of us. She spent untold hours listening to others problems. She was usually one of the last to leave the building. She gave advice and intervened on behalf of her constituents. She appeared before other public bodies including the Clark County Commission and told them her view on issues.

Senator O'Connell chaired the Committee on Government Affairs, and she ran a tight ship. It often sailed long into the night. She did not like to waste time. She was always on time and started her committee on time. If we had to wait for a quorum to convene a meeting, instead of wasting time, she queried the members present on the Constitution or the Federalist Papers, whatever important trivia she could think of. She had a strong interest in the fundamental principals of constitutional government. She was careful that we did not lose sight of these principals when we got immersed in deep issues on public policy.

The great English historian, Thomas Babbington McCaully, said, "The perfect lawgiver is a just temper between the mere man of theory and who can see nothing but general principals and the mere man of business who can see nothing but particular circumstances." They told me this quote applies to you, Senator. I am not taking any credit for this. She exemplified the balance.

As a chair, she was consistently fair, dedicated to due process. She made certain everyone had a chance to state his or her arguments, but at the same time, she managed to keep a firm hand on the committee and made certain the witnesses and the members alike stayed on subject.

Senator O'Connell was steadfast in her convictions. At times, she and I disagreed. When that occurred, it was always a polite encounter and in a manner that invited further discussion. She stood her ground. She stated her views frankly and vigorously. Politics is the art of the possible though sometimes it seems impossible. Perfect solutions cannot always be found in this imperfect world. I was asked by a member of the media if we have a perfect bill. I always think we have a perfect bill, but I have not seen one since my arrival in 1972. We do our best.

Senator O'Connell is a canny strategist. She knew when it was necessary to compromise and when it was time to stand fast. As they say in the poker world, she knew when to "hold them and when to fold them." More often than not, she held them.

Her private life has been consistent with her public life. She was a devoted wife and mother. Her late husband, Bob, often accompanied her to Carson City. He did not always share her enthusiasm for her public life or her stand on all issues. He was often bemused by the antics of this Legislature, but he was a great source of strength for her. We all miss Bob.

She is a sincere, devout Christian. She served her church and the adult Sunday school class and always had her own prayer group here during session. Her faith is quiet and unobtrusive but is the center of her life. It gives her confidence and serenity even during the most trying of times. She does not brood over lost battles and loves her enemies. She is gracious and optimistic even when things do not go as they should. She is modest, conciliatory and has set a high example for all of us who serve in the Senate and for those of us who follow. It is appropriate to extend our appreciation to her for her 20 years of service in this body and all that she has done in her life. We welcome her into the Senate Hall of Fame.

SENATOR CEGAVSKE:

It is my pleasure to stand in support of former Senator Ann O'Connell. The words loving wife, mother, Legislator, compassionate, knowledgeable, full of wisdom, sister, friend, mentor, spiritual, laughter, smile, leader are just a few of the words that can describe Ann. There are more. She was my Legislator before I got into politics. In the resolution, it referred to her serving as a mentor. She was mine.

I nudged my way into her office and into her life on many occasions. I came from the Assembly, and after arriving here, I would go into her office with a question. I always wanted to know what she thought about a bill. I wanted her advice on an issue because of her background and her knowledge. She is knowledgeable in education issues and taxes. We miss her leadership. She is knowledgeable about the small business community. I enjoyed talking to her about how we could help small businesses. I always found her working on the bills for her committee. She was here before the sun came up and here long after it went down. I am certain most of you remember the car she used to leave in. We have fond memories of that old car. It came with her in the beginning and stayed throughout the sessions.

You could ask her any question, and she could answer it. She represented her constituents well.

I loved her laugh. She took care of us. Known as Mother Superior, our friendship grew over the years. I learned many valuable lessons from Ann. One was, do not let her drive in unfamiliar territory. The other was, do not let her give you directions while you are driving.

We compared stories about our husbands and Ann's stories won. Often Bob flew up to visit and brought his dirty laundry to be washed in a laundromat so he could fly back to Las Vegas with clean clothes. That is the ultimate husband story.

Ann and I went to Washington, D.C., to see President Bush's inauguration. We had tickets to sit in front at the Inauguration; we had our umbrellas and were excited to see the speech. We were two proud Republican women in the Capitol. As we walked through the park to the area we were supposed to be to view the speech, the police put up barricades blocking us from continuing any further. We were on the wrong side and could not go to see the President. Our umbrellas broke, it was raining, and we were left standing in the park with the squirrels under a tree with people who did not have tickets. It was freezing. We had to listen to the speech on a radio. Then as we made our way through the crowds after the speech, we encountered a group who did not appreciate that Ann was wearing a full-length fur coat. As I walked along, I realized I had lost Ann. She was nowhere to be found. Then, I spotted her in a group surrounded by protestors. As I approached, I heard her say, "Get over it." By that time, I was ready to get a child harness for her so I would not keep losing her.

I have a wonderful picture of Ann dressed in a "Roaring 20s" outfit. She is as classy in her 1920s outfit as she is in her modern-day suits.

Last year, I tried to help her clean out her house. She said she needed help with her office. I called her sons but they each had inventive excuses why they could not help. One said maybe an appointment could be made for 2006. I wondered why, and then when I went into the office I realized they had been in her office before. There was no way they were going to get stuck helping clean it out. Ann has a wonderful family, and it has been a pleasure to know them all these years.

I want to thank you, Ann, for your service to the State of Nevada, for your leadership, your vision and to thank you for being such a wonderful friend to me. I want to remember Bob. He told me one day, "I just want to thank you for being such a good friend to Ann." I told him that was not a hard thing to be. God bless you, today and always.

SENATOR TITUS:

I am pleased to stand to recognize and honor the distinguished career of former Senator Ann O'Connell. We worked well together for a number of years on the Committee on Government Affairs, and though it may be hard to believe, we actually cosponsored some legislation. There was some on animal protection, campaign finance reform and on potty parity. We more often disagreed, but I always had great respect for Senator O'Connell. I always knew where she stood, and I have never seen anyone who worked harder or was more pleasant in even the most adversarial situations. She was always fair in committee hearings, and as Senator Raggio

alluded, she always let everyone speak who wanted to speak. Some days, Ann would go out into the hall and ask if anyone was out there who wanted to testify.

Senator, your expertise and extensive knowledge are greatly missed. I must say, Ann, I wish you were still here because if you were I might have gotten that one extra vote I needed on the tax freeze.

SENATOR HARDY:

Thank you. It is an honor for me to stand today in support of this resolution. I, too, have fond memories of the "potty-parity" bill. I want to assure Senator O'Connell that in spite of what the Majority Leader says, we do start the Committee on Government Affairs on time, sometimes. We are working on that.

Ann O'Connell has been a friend to me. She has been a mentor, and she has been an advisor. I did not always seek advice, but when I got a little wayward, I knew I would get the advice. I will be forever grateful for that. When I was an advocate for points of view or as some say, lobbyist, I used to decide on whether to take a client on by whether or not I could represent their issue in front of Senator O'Connell. I made a mistake once by thinking an issue was borderline and that she would be "okay" with the issue. I took the client. I went to her with the issue. Because of our many years of friendship, she agreed to talk to me. She told me she was not interested in the issue, and I would be talking to deaf ears. I excused myself and fired the client.

She was a moral compass to me on many occasions in this building. It has often been said that men like Ronald Reagan, Barry Goldwater and William F. Buckley Jr. are the fathers and founders of modern conservatism, and I think it is safe to say that Ann O'Connell is the founder of modern Nevada conservatism. She was and is a conservative compass for many of us.

I am thankful that my colleagues have also mentioned our good friend, Bob, because it was always Ann and Bob. Everything that can be said of Ann can be said of Bob in terms of his impact on my career. I feel a deep sense of obligation as the Chair of Government Affairs, and it was made more difficult because I was assigned your office. As I stepped in there for the first time by myself, I cannot tell you the sense of obligation I felt. I felt very alone. I want you to know that although there are baseball pictures on the wall instead of doilies and crafts, that you still occupy your office. If any of my colleagues need me, I will be in Senator O'Connell's office.

SENATOR AMODEI:

I rise to speak, shall I say in opposition to the motion, just kidding. As I read this resolution, I see the term "consensus building," I would add, "against all of my bills." I see a reference to suicide prevention and clearly, that was not an ego booster. I see the phrase, "inclusive process" but for the opponents of my measures.

All parties had an opportunity to be heard who were in opposition. She was the nice looking person who was benevolent, who, when I presented myself before her committee as an Assembly member, would shake her head and say, "I am certain you have very nice parents. You should go home and ask them what they think of this measure."

Did I mention she hates lawyers?

After having gotten over that experience, and as a member of the Senate, I delivered flowers to her on the Senate floor during my freshman session. She said she began to see some potential, though not yet realized. We got to the point where when you talk about Ann and you see there is no grey in her hair, there is no grey in her eyesight either. As we began to talk about issues and she tried to save me from my wayward path, she would say, "I saw the new set of bills that came out. Do you realize what you have put your name on this time"?

When I walked in here and heard her laugh, I was, once again, reminded of the atmosphere and the culture here. I will never forget those looks as I served on Senator Townsend's committee, sitting between Senator Schneider and Senator Carlton as a freshman, and she informed me she needed to change my seating assignment because my voting was not satisfactory.

It is good to see you, Senator, relaxed, comfortable, happy and knowing you are not doing what we have been doing today talking about the tax issue.

I will never forget her work on reapportionment. I will never forget her work on the tax measures considered last session. Not because of how they ended up, but because she was the

central person who took the blue-collar approach to everything whether we agreed with her or not. She always rolled her sleeves up and got the job done.

The biggest threat I ever made to her was to threaten to wax half of the hood of her car. I told her it would take half of the Assembly and all of the Senate to wax a hood that size.

I want to thank you, Senator O'Connell, for your willingness to work with anyone and to share your thoughts and beliefs. Many times this ship feels that it is missing a rudder. We miss you.

SENATOR WASHINGTON:

I also rise in support of Senate Resolution No. 6. I usually call her "Annie." I do not know if I can add anything that has not already been articulated, but I will say that Senator O'Connell made it pleasant to come to this building day after day. In fact, when I first arrived here, she was the one who reached out to me with encouraging words.

It was nice to know that there was someone else that was a believer in Christ. We shared moments and started what we called a legislative prayer session. It started as a small prayer session in a small office with Carol Martini who has since passed. But last session after Senator O'Connell picked up the group, it grew, and there she was leading the prayers. She is rock-solid in her faith.

Senator O'Connell was a rock-solid Legislator who was always willing to teach. I learned a lot about the process through Senator O'Connell.

I want to thank you for allowing me to have Ricka Benum. It is great to have her on my team. Knowing that she was with you, I do not have to worry about anything. She is doing a yeomen's job, but she is wearing me out.

I want to tell you I love and miss you dearly and Bob too.

SENATOR CARE:

I also rise to pay tribute to probably the least troubled heart that ever graced these hallways. We all have an Ann O'Connell story, and I will be brief. I came here as a freshman in 1999, and I was assigned to the Senate Committee on Government Affairs. I remember looking down to the left and Senator O'Donnell was there, Senator Neal, the Majority Leader and Senator Titus. I recall thinking, the members of that committee brought over 100 years of experience to the committee. It took me awhile to know it was appropriate for me to offer a thought on any legislation that had come before us.

I thought the Majority Leader might have remembered this story, maybe he still does. I read the resolution, "encouraging and inclusive process, ensuing that all parties had an opportunity to be heard." Those hearings you conducted, Ann, were a lot like being on a transatlantic flight except the seats did not recline, no food was available, nothing to read, and there were lots of bills. You were stuck there. I wondered sometimes if other committees even got bills. The story I want to tell is this one. It was my first or second session, and the Majority Leader had undergone surgery a few months before session. I got fairly ill that same session, and I had made an appointment with a doctor on Washington Street in Carson City. One afternoon in committee, I was sitting next to the Majority Leader, who at one point told me he would be excusing himself to go to a follow-up appointment in Reno. About 30 minutes later, I slipped you a note to let you know I had a doctor's appointment. I went to that appointment and after waiting there to see the doctor, I proceeded to the pharmacy to again wait, this time for my prescription. I returned to my office about 8:00 p.m. intending to respond to messages and phone calls. I discovered our committee meeting was still in progress, and I was on my way toward the committee room when I met up with the Majority Leader. He had just returned from his Reno appointment, and together, we reentered the committee room only to discover you were hearing the same bill! That is a true story, the same bill. We were going on until late into the night. I think that is what the resolution is talking about.

I would be remiss, probably shot, if I did not also mention that in 1980 you allowed a live television interview in the Boulevard Mall. I worked for Channel 13 at that time. Channel 13 was preparing to host their first health fair along with the Clark County Health District. I do not know who talked to you, but you did arrange for a reporter to interview the woman from the Health District to talk about the health fair. That woman turned out to be my future wife. I want to thank you for inadvertently, and not realizing at the time, what you had done for us. We have

a wonderful marriage and appreciate what you have done. Thank you for sharing your faith, your heart and all the moments we shared with you and Bob. Thank you also for the dinners with Carol at the apartment. I also want to thank you for teaching me the importance of reading every bill. You would be surprised at what is in those things.

SENATOR SCHNEIDER:

I, too, rise in support of Senate Resolution No. 6. When I was in the Assembly, I had a bill that mandated that the cities and counties had to approve alternative construction materials including straw bale. We got it through the Assembly with no problem, and then it came to the Senate. I saw the chair, and she told me she would hear the bill. I had a book with me that showed all about straw bale houses. She told me they looked like the adobe houses in New Mexico. She told me she was from Albuquerque, and she liked them. She and Bob tried to build an adobe house in Las Vegas, but they would not approve it because it was not a conventional house though adobe houses have been being built for 4,000 years. She liked the bill. We had a hearing on it, and I thought it went well, but there was no action for two months. I asked her what the problem was with the bill. She said she liked the bill, but the Majority Leader was having some problems with the cosponsor, but since it was almost the end of session, he would be busy and when he leaves committee, she would pass the bill for me, and she did.

When I came to the Senate in 1997, I introduced the homeowner's association bill that created some new government. She was not happy about it until I pointed out that she had many homeowner associations in her district and there were many elderly ladies being fined and foreclosed on by the associations in her district. She, then, became the champion for creating more government to deal with homeowner's associations. When I saw her this morning, the first thing she asked me was, "How are the homeowner's associations going?"

SENATOR MCGINNESS:

Senator O'Connell always read the bills and came to committee knowledgeable. When I was in the Assembly, I was at the baseball game rooting for our team. She was the pitcher for the Senate. They won.

It was her motion in the Committee on Taxation last session that killed gross receipts the first time. It was her efforts that put in the constitutional language regarding severe economic hardship. I am not certain she envisioned the way we were able to use the constitutional change in this session. We are thankful for how she was able to use that language.

My wife is listening on the Internet, and she says, "Hello." She and my wife loved to shop.

We will all miss Bob sleeping on the couch in the lounge. When he got tired, he just turned off the lights and went to sleep.

We will miss you. Thank you for your efforts on the severe economic hardships. We will put it to good use.

SENATOR TIFFANY:

I first met Ann O'Connell in 1993. She taught me the meaning of being principled and consistent. She said, "Anytime you have a vision or you have morals, values, thoughts, beliefs and you run on certain issues with your constituents, use that as your yardstick, always measure. No matter what the pressure is, no matter what the votes look like, always use your own personal yardstick." That advice is with me today.

My memory of her when I was an Assembly member was as the Angel of Death. She scared the daylight out of me. When I had a bill that had to go to the Senate Committee on Government Affairs, I was so scared. I had a caucus party bill that she hated, and Senator Raggio loved. We almost had to wait until she was out of the room so Senator Raggio could pass it.

When I became a member of the Senate, I entered into a sorority. These have been the best friendships I have been able to form since I came to the Legislature. The three Republican women were called the "Three Blondes," the "Three Old Hens," the "Sorority Sisters," but my favorite was "Mother Superior and the Svengali nuns." Needless to say, this was the first time in my life I have been close to being referred to as a nun. I appreciated the sorority I was able to join.

I have three angels hanging from the ceiling that I purchased from an antique store. One has curlers. Her name is Senator O'Connell. One has glasses. Her name is Senator Cegavske. The other one is me.

Ann O'Connell defines the word "thriftiness." The funniest incident that proved this point is when the three of us were shopping and Ann spotted some coins in a puddle of spilled Coke. She retrieved the coins despite the sticky mess. She netted 8 cents. That was a good day for her. We were in Macy's where she does not look at any rack unless it is marked 75 percent off. We were hungry after our shopping and went through the drive through at a fast food restaurant when she spotted coins lying in the driveway. She jumped out of the car to scoop up another 7 cents. It was a good day for her.

Ann is so thrifty; she still has a rotary phone. It still works so there is no reason to be rid of it.

She is adventurous. On the drive back from that same shopping trip, I was too cold in the front seat so as Barbara was driving I decided to climb into the back so did Ann. The world turned black as Ann backed over the front seat to climb into the back and landed on me. We were a sight as we laughed hysterically. She will try anything once.

Ann, you were the best chair I have ever worked with. Yes, your meetings are long, thorough, you let everyone have their say, but you taught me, if given the opportunity to be the best chair in the Legislature. She defines graciousness.

SENATOR MATHEWS:

Thank you, Madam President. I was so happy to see Senator O'Connell when she came in today. I am not going to talk very long because all I want to tell her is that I have a cupful of quarters that she can take home with her. I have learned a new word. I get "ticked off" now not "pissed off."

SENATOR TOWNSEND:

Thank you, Madam President. It is fitting that not only we honor the longest-serving lady Legislator but we also have as a guest the longest-serving male Legislator, Senator Jacobsen. The reason I point that out is to enforce the warmth and the love that you have heard here, today. That should indicate how we all feel about you.

The remarks I want to leave today are not only addressed to the fine women but to the men also who currently serve in this body. It is to all in the lobbying corps, those in the press, in the private sector and in the public sector: Senator O'Connell has set a standard by which we should all hold ourselves. It is about not just integrity but dignity, warmth and compassion. Everytime we cross that threshold to come in here to do the job that we were all elected to do, that is the standard by which we will now be measured. We may not always attain it, but it has to be the goal that we have when we come in here. I am so glad you came back to remind us of that. God bless you, Ann.

PRESIDENT HUNT:

I do want to rise in support of this resolution. I think Senator Townsend and the rest of the group said many of the things that I want to say. Senator Ann O'Connell was a great inspiration to me as a young restaurateur who had managed to mortgage the house, the car and the kids to open a business with her parents. Many times, Ann would come in to give us counsel and guidance. She could talk the talk and walk the walk with small business people. Ann, I appreciate you so very much. Thank you for your friendship, for your dedication and the standards that you have set for this entire body. Thank you so much.

Resolution adopted.

Senator Raggio requested that the remarks of former Senator Ann O'Connell be entered in the Journal.

FORMER SENATOR ANN O'CONNELL:

Thank you all. You have been generous and gracious to me today. My heart is full.

No one receives an award without a great deal of help. I am glad the staff people are here today. I wish to thank the ladies of the Front Desk, especially Claire and before her Jan. You

have both had an uncanny way of matching staff and Legislators. In the 20 years I served here, I never had a staff I was disappointed in. One of my secretaries from last year is here, and I want to say that Joseph, Don Williams, Pepper Sturm, Paul Morrison, Jan Needham and Scott Wasserman, Kim Guinasso and Ricka made all of this possible. I could not have done my job without them. I consider it a privilege that I can call you my friends. Thank you.

Thank you for the warmth you have given to Joe Heck. I know that we had many friendships here, and those things are sometimes hard to overcome. We had several opportunities to talk. He was always a gentleman. I appreciate that very much.

I have a funny story to relate. This morning I woke late. I had 45 minutes to get to the airport. I could not get my boarding pass early. My name would not come up at the kiosk. We went to the check-in desk, and it is a long run from the other end of the airport. After standing in line, the lady at the desk could not find my name. If you thought I was trouble while I was in the Senate, I am now on the FBI watch list. This created a problem getting my boarding pass.

Today is a wonderful day. I appreciate all of the kind and warm things you have said about me today.

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

Senate Resolution No. 7—Inducting Horace H. Coryell into the Senate Hall of Fame.

WHEREAS, The Senate of the Legislature of the State of Nevada has established a Senate Hall of Fame whose members are selected by leadership from those past Senators who have served with distinction and who have made exemplary contributions to the State of Nevada; and

WHEREAS, Horace H. Coryell represented Elko County in the Nevada Legislature for a total of 20 years, by serving intermittently in the Nevada Assembly for 12 years and in the Nevada Senate for 8 years during the period from 1888 through 1918, which service included ten regular sessions and two special sessions of the Nevada Legislature; and

WHEREAS, As a result of his intermittent service, Horace H. Coryell enjoys the distinction of having served the most legislative sessions as a freshman Legislator, five as an Assemblyman and one as a Senator; and

WHEREAS, During his service in the Legislature, Horace H. Coryell held leadership roles in both Houses, serving as Assembly Speaker Pro Tempore during the 19th and 20th Regular Sessions of the Nevada Legislature (1899 and 1901) and as Senate President Pro Tempore during the 26th Regular Session of the Nevada Legislature (1913); and

WHEREAS, An ardent advocate for his constituency, Horace H. Coryell was proudest of the legislation that he sponsored in the Senate during the 26th Regular Session of the Nevada Legislature which authorized the issuance of bonds to fund the construction, equipment and furnishing of a high school building in his community of residence, the town of Wells; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That Horace H. Coryell, who served as an influential leader in the Nevada Legislature during the 19th and 20th centuries and who devoted many years of his life to serving the public, is hereby inducted into the Senate Hall of Fame of the Legislature of the State of Nevada.

Senator Rhoads moved the adoption of the resolution.

Remarks by Senator Rhoads.

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

Thank you, Madam President. Horace H. Coryell was born in Illinois on December 22, 1851, and was the youngest of a family of 12 children and the son of a Civil War veteran who was killed at the battle of Atlanta. His mother died when Horace was four years of age. At age 19, Horace moved to Nevada, first locating at Winnemucca where he worked for a stage company and worked for the cattle firm of Mason & Bradley. In 1884, he moved to Wells, where he was employed as the foreman for Colonel E. P. Hardesty. Mr. Coryell made his permanent home in Wells, and his former home is now open as a historic site. After leaving the employment of

Colonel Hardesty, Mr. Coryell entered the ranching business on his own and for many years was the proprietor of a meat market in Wells.

Mr. Coryell was first elected to the Nevada Assembly in 1888, and served in 1889 to 1890, and again in 1895 to 1896, 1899 to 1902, 1905 to 1906 and 1917 to 1918. During the 19th Session of Legislature (1899) and the 20th Session (1901), Coryell served as Assembly Speaker pro Tempore.

In 1906, Mr. Coryell ran successfully for the Senate and held that honor through 1914. In the 26th Session of the Legislature (1913), Senator Coryell was selected as Senate President pro Tempore. During his tenure in the Nevada Senate, Senator Coryell also served in two special sessions. The Second Special Session of 1908 was called by Governor John Sparks to call for legislative action concerning contentions between labor unions and mining operators in Goldfield. The result of the special session was the creation of the Nevada Police. The Third Special Session of 1912, called by Governor Tasker Oddie, addressed the authorization of a loan from the State School Fund to the General Fund so that state treasury transactions could continue on a cash basis.

Horace Coryell returned to the Assembly in 1917. He also served as a member at large of the Nevada Historical Society in 1907.

As an interesting "first," Horace H. Coryell has the distinction of serving the most legislative sessions as a freshman legislator, with six regular sessions, five as an Assemblyman and one as a Senator.

It was during the 1913 legislative session that Senator Coryell used his influence to establish a high school in Wells with the introduction and successful passage of S.B. No. 154 (26th Session of the Nevada Legislature). His efforts proved to be the turning point in favor of the local school and made its establishment possible. Although he was a self-educated man, Mr. Coryell realized the advantages of better schools and served as a trustee for the Wells School District for a number of years.

At the urging of his party, Coryell's name was entered as the Democratic nominee for lieutenant governor in 1926, but ill health prevented him from successfully campaigning for that seat. Mr. Coryell was defeated in a very close primary race. He was one of the leaders in the movement of the establishment of the Wells Commercial Club and was a major stockholder in the Wells State Bank, serving two terms as president of that institution.

With the incorporation of the city of Wells in 1927, H. H. Coryell was elected as the first mayor of the city of Wells, a position he held until his death in 1928.

In 1888, Mr. Coryell became a member of the Order of Masons, was a charter member of Wells Lodge No. 23, Knights of Pythias and was a past grand chancellor of the Knights.

Horace H. Coryell married Annie E. Wiseman in 1887. He died April 1, 1928, at the age of 77, leaving his wife, one sister and a number of nieces and nephews to mourn his passing. He is buried in the Mason's cemetery section in Elko.

Resolution adopted.

Senator Raggio moved that the Senate recess until 3:30 p.m.

Motion carried.

Senate in recess at 1:19 p.m.

SENATE IN SESSION

At 3:47 p.m.

President Hunt presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 31, 32, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Senator McGinness moved that all necessary rules be suspended, and that Assembly Bill No. 489 returned from reprint be declared an emergency measure under the Constitution and immediately placed on third reading and final passage.

Remarks by Senator McGinness.

Motion carried unanimously.

Senator Titus moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 3:50 p.m.

SENATE IN SESSION

At 4:47

President Hunt presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 489.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 129.

Amend sec. 3, page 3, by deleting lines 36 and 37 and inserting:

"for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of section 4 of this act provide a greater abatement from taxation."

Amend sec. 4, page 5, by deleting lines 22 and 23 and inserting:

"(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The lesser of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; or

(II) Eight percent; or

(2) Twice the percentage of increase in the Consumer Price Index (All Items) for the immediately preceding calendar year, whichever is greater."

Amend sec. 4, page 6, by deleting lines 13 and 14 and inserting:

"(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The lesser of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; or

(II) Eight percent; or

(2) Twice the percentage of increase in the Consumer Price Index (All Items) for the immediately preceding calendar year, whichever is greater.".

Senator McGinness moved the adoption of the amendment.

Remarks by Senators Beers and McGinness.

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

SENATOR BEERS:

This is a simple amendment. The easiest was to return the language to the way the Assembly sent it over here. We went through their calculation to determine the cap on nonowner-occupied property and then limited that number to 8 percent.

SENATOR MCGINNESS:

On the second page of the amendment, it addresses 8 percent or twice the percentage increase of the Consumer Price Index (CPI) for the immediately preceding calendar year. That was put in the amendment for rural counties that may actually have had negative balances for two, three or maybe even five of the preceding years. If you look at their percentage, they would actually have a negative number so this would allow them to use the CPI to have some positive property tax.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senator McGinness moved that all necessary rules be suspended, and that Assembly Bill No. 489 returned from reprint be declared an emergency measure under the Constitution and immediately placed on third reading and final passage.

Remarks by Senator McGinness.

Motion carried unanimously.

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

Motion carried.

Senate in recess at 4:51 p.m.

SENATE IN SESSION

At 4:53

President Hunt presiding.

Quorum present.

Assembly Bill No. 489.

Bill read third time.

Remarks by Senators McGinness and Titus.

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

SENATOR MCGINNESS:

I will do my best to walk you through the bill. Section 1 is the legislative declaration outlining the problem. Section 3 is the legislative declaration that owner-occupied residences are entitled to partial abatement and that 3 percent over the tax bill constitutes a "severe economic hardship." On page 4, the Nevada Tax Commission will adopt the regulations to carry out the regulations on the 3 percent. Section 4 addresses the centrally assessed role that is so important to rural counties because of utilities and railroads. It shows the centrally assessed is not on the 3 percent. Also in section 4, it explains that the language we just put in the bill, whether the lesser of the average is either 8 percent or two times the Consumer Price Index (CPI). Section 5 is the recapture provision for the rural counties that have drastic changes in their property tax values because of declining mining properties, and those decreases have to be at least 15 percent one way or the other. The provision allows the assessor to bring that property back on the rolls at the higher rate more quickly. Section 6 was the language we put in to protect the bonding capacity of local governments, which had been a concern. This will allow the continued collection of revenue for those obligations. Section 7 allows the counties to go to a vote of the people for ad valorem revenue that would be exempt from the abatement. Section 8 is the note to the assessors to notify the taxpayers of the total tax and the savings involved. Section 9 shows that local government may not increase the rates without the approval of the Nevada Tax Commission and the Committee on Local Government Finance. Section 10 is the Legislative Committee, and as we changed that this morning, the appointments to that committee are from the Majority Leader and the Speaker. Section 11 regards the dates that do not apply before June 30, 2005. Section 12 is the severability, shows that if any portion of this is declared invalid, the remainder of the bill remains valid.

SENATOR TITUS:

I am going to vote for the bill. I know that it will end up going to a conference committee, and I hope that when the conference committee looks at it they will consider some provisions to help small business and renters which is not included in this bill. Since more people will not be able to afford a house as the cost of housing continues to go up, those people will have to live in rental property. We need to address these two issues, and I would give my advice to the conference committee to take them into consideration as they try and strike a compromise.

Roll call on Assembly Bill No. 489:

YEAS—21.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Madam President declared it passed, as amended.

Senator McGinness moved that all necessary rules be suspended and that Assembly Bill No. 489 be immediately transmitted to the Assembly.

Motion carried unanimously.

Bill ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 5:30 p.m.

Motion carried.

Senate in recess at 4:58 p.m.

SENATE IN SESSION

At 5:55 p.m.

President Hunt presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 31, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendments Nos. 124, 129 to Assembly Bill No. 489.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

RECEDE FROM SENATE AMENDMENTS

Senator McGinness moved that the Senate do not recede from its action on Assembly Bill No. 489, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator McGinness.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators McGinness, Townsend and Lee as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 489.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 86, Senate Concurrent Resolution No. 14.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Lawrence E. Jacobsen.

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Steve Martin.

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

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Ann O'Connell, Gray Crampton, Delinda Crampton, Jeff Crampton, Joyce Newman, Jen Sturm, Bob Erickson, Mary Lau, Dora Bennett, Liz Mac Menamin, Joseph Bozsik, Paul Enos, Sara Enos and Lea Lipscomb.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Guy Rocha and Ben Scheible.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Tarina Townsend and Antonio Gutierrez.

Senator Raggio moved that the Senate adjourn until Friday, April 1, 2005, at 8 a.m.

Motion carried.

Senate adjourned at 5:57 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate