

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 28, 2005

Senate called to order at 11:10 a.m.

President pro Tempore Amodei presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Alan Dorway.

Almighty God, this morning, we pray Your spirit would settle upon this place and guide all who work and serve here. Remind us that as we draw near to You, You come close to us. Instill in those here a sense of purpose and calling to seek justice, champion the noble cause and strive to care for the least of these in our State.

Thank You, Lord, for showing us glimpses of who You are and pushing us to go farther in our journey to be the best You have created us to be. Be with all of Your children today.

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 Assembly Bill No. 58, 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 was referred Assembly Bill No. 106, 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 were referred Assembly Bills Nos. 76, 182, 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Human Resources and Education, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MAURICE E. WASHINGTON, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which was referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 27, 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. 496.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 23, 24.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

GENERAL FILE AND THIRD READING

Senate Bill No. 26.

Bill read third time.

Roll call on Senate Bill No. 26:

YEAS—20.

NAYS—None.

ABSENT—Tiffany.

Senate Bill No. 26 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Rhoads moved that Senate Bill No. 293 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Rhoads.

Motion carried.

Senator Raggio moved that Senate Bill No. 484 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Raggio.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 6.

Bill read third time.

Remarks by Senators Raggio, Care, Coffin, Hardy and Washington.

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

SENATOR RAGGIO:

I will vote in favor of Assembly Bill No. 6 which prohibits the imposition of the death penalty on those who commit murder while under the age of 18. I do so reluctantly because I recognize as a lawyer and as a Legislator, that I took an oath to uphold the laws and the Constitution of the United States. Therefore, a final decision of the United States Supreme Court, whether or not one agrees with it, is the law of the land.

As a State Senator for over 32 years who has confronted this issue in almost every session since I was elected and as a prosecutor for over 18 years, I want to express my concerns over the Supreme Court opinion and its effect.

The decision in *Roper v. Simmons* was decided on March 1, 2005. Justice Kennedy delivered the opinion and was joined by Justices Stevens, Ginsberg, Souter and Breyer. This was a five to four decision. Justices O'Connor, Scalia, Rehnquist and Thomas dissented.

The majority opinion was based heavily on the court statement, and I quote, "The overwhelming weight of international opinion is against the death penalty, and the United States is the only country in the world to give official sanction to the juvenile penalty."

Justice Scalia, in a scathing dissent, stated, "That foreign and international law should have no place in our Eighth Amendment jurisprudence." That is the amendment dealing with cruel and unusual punishment. I agree. American law should not be bent to conform to the laws of the rest of the world. Otherwise, we might just as well submit all of our basic decisions to the United Nations or to the World Court.

The Supreme Court in effect said that the Constitution has somehow changed in the last 15 years since this issue was last decided by the United States Supreme Court. The majority decision was based on something called "the evolving standards of decency." As Justice Scalia said, "The Court has proclaimed itself as the sole arbiter of our Nation's moral standards." This in spite of the fact that less than a majority of our own state legislatures, including our own, have consistently voted against removing the juvenile penalty as well as capital punishment as a whole.

It is one thing to say that a person who is mentally retarded should not be executed, a decision made by the Supreme Court, and another to say that a person who is not quite 18 years old is less culpable for a heinous homicide than someone who is a year or so older.

The Roper case involved a 17-year-old junior in high school who in a chilling and callous manner talked openly with a few friends about committing a burglary. He decided to enter the woman's home and burglarized it. He tied her up, put duct tape over her face, then took her to a railroad trestle, tied her up and threw her off the trestle where she drowned in the river below. The victim was alive when she was thrown from the bridge. She had family and friends.

I recall a number of cases from my years as a prosecutor, but the one I remember the most vividly was the case of a 17-year-old student at Wooster High School in Reno in the 1960s who had a habit of going around the neighborhood, peering into windows and of taking women's underwear off the clotheslines. On one night, he entered a young woman's home. She was a noted British Olympic skier. He garroted her, committed necrophilia, decapitated her, removed her heart, cut off her foot, stuffed her into a trunk, stole a camera and stole her car. He was caught but only after throwing the entire city into a state of panic. The jury decided his actions were deliberate, first-degree murder with malice and imposed the death penalty which was later reduced to life in all capital cases in the United States.

This case is an example, but there are many cases where this has occurred. The Supreme Court said in its decision, citing studies, that the character of a juvenile is not as well formed as that of an adult. They said the personality traits of a juvenile, someone under the age of 18, are more transitory and less fixed. The Supreme Court quoted studies as a basis for this decision that 18 years of age is the arbitrary age for the imposition of the death penalty for a juvenile. They said that, "Juveniles lack maturity and an underdeveloped sense of responsibility. They are often impetuous resulting in ill considered actions."

I have sat with families of the victims who have a hard time discerning whether or not the perpetrator happened to be someone who was under 18 years of age or over 18 years of age. The reason this is disturbing to me, that we have to adopt this measure now as our law, is because it is hard to tell families and friends that their family member is less dead, less mutilated, less of a loss and that the penalty should be less severe because that juvenile has less maturity. The same Court has held in cases of abortion that juveniles under the age of 18 do have the maturity to make those kinds of important decisions. I do not know where they draw the distinction. The issue that bothers me is that jurors have always had the opportunity to take the age and the mental condition of a perpetrator into consideration. This is one-step further along the road to abolishing the death penalty altogether on the basis that we are one of the only countries in the world to still allow it. I agree with the majority of Americans that the death penalty still has a place. Others will argue that it does not deter a crime. I can cite three instances during my 18 years as a prosecutor where the perpetrator told me that he would have killed someone except that it meant the death penalty. It is not always a deterrent because there are those who commit the crime even though they knew the death penalty would be the penalty for them. We are just another step away from doing away with the death penalty the majority of legislatures in this

Country have consistently voted to retain. The majority of Americans still favor the death penalty in appropriate cases.

SENATOR CARE:

In the Committee on Judiciary, the Chair elected not to hear testimony on Assembly Bill No. 6. The members of the Committee on Judiciary all agreed with that. We recognize this is an emotional issue. All views and all opinions are to be respected. We looked at this as an exercise in repealing existing state law to come into conformity with the Supreme Court's decision.

SENATOR COFFIN:

November of 1963 was important to me in two ways. One was the murder of President Kennedy. The President's murderer received his death penalty from a deeply troubled man on national television. We saw the act on television.

Second, in November of 1963, I received a beating at the hands of the Patrick McKenna gang. Patrick McKenna was 17 years old at that time. He and most of his running mates were 16 and 17 years old. They were tough as a gang. There were five or six of them, and when they ganged up on one person, they usually won. When they ganged up on me, I lost. My face looked like a pizza, and I ached in other places too. Individually, they were cowardly. They were all kids who were striving for something big. We had no way of knowing which way they were going to go. McKenna later committed murder after he was 21 years old. He murdered a cellmate and murdered someone else. Today, he sits on death row in Ely, and I eagerly await the time when he will receive his lethal injection. I do believe in the death penalty. He was 17 years old when he attacked me, but society has taken care of him because he did his worst deeds in subsequent years when he chose to do them, when he truly had the mental capacity and when he showed how clever he was. He turned his intellect toward crime and murder. At his mature age, he made his decision.

In 1993, we were in the last weeks of the session, when I received a telephone call from my wife, stating her sister, Pat, had been attacked and was in the hospital and might die within hours. She was attacked by a 17-year-old man who approached her, gave her no warning and without premeditation. There was no connection between them at all. She was in the parking lot of her school loading boxes into her car. As a librarian, this was the last day at this school in a tough neighborhood, and she was packing to work at a newer school. This young man walked up to her with a nine-inch knife and stuck it into her body to the hilt. The knife destroyed two of her organs, badly damaged another, psychologically and physically damaging her for the rest of her life. She survived that attack, and her son, despite the problems the family faced, is graduating in two weeks from the University of Nevada-Reno with high honors in chemistry and will attend Stanford University on a complete scholarship to study for a Ph.D. Despite her infirmities, she was able to successfully raise her 12-year-old son. A lesson can be drawn from this because of personal experience. Just as the Majority Leader has spoken eloquently of his own personal experience, I, too, have had personal experience. I was on the receiving end of a near murder and a family member of someone who was nearly murdered.

In 1993, I wanted this young man dead immediately. I could have done it myself. I attended all of his court sessions leading up to and including his sentencing. He was given two, 20-year sentences. I thought these sentences were lenient at the time. These two sentences were to run concurrently which meant he could be paroled in eight or nine years. The first two times he came up for parole, I opposed his parole. I still wanted him dead. Then, another personal experience entered my life. It caused me to look at the emotional and physical development of the human brain in young people. I have read all the studies including the most recent one which talks about the physical development of the brain. We all know 17 year olds who are fools. We all know 17 year olds who were mature, bright and stable people. What we did not know 40 and 50 years ago was that their brains, especially the frontal lobes, were not fully developed. They were not physically, fully grown. They were still adding cells in the areas where risk, reward and behavior is controlled and measured. This is not just a case of not being grown up, but the case of not being fully-grown yet. I have paid much attention to this issue.

In February, this young man who attempted to murder my sister-in law was up for parole. I went to the Northern Nevada Correctional Center and testified to the Parole Board that I felt that parole for this man, who is now 29 years old, should be granted to him. He was due to be

released in a few years, that was inevitable, but I wanted him to stay in, yet be supervised, not just be in the prison. Prison is our university for crime. I felt a few years under strict parole would be good for him. It would be better than having him walk out onto the streets without any supervision. In May, he will move to Reno to work in a halfway house. I have talked with him and have seen how he has grown, how he has paid for his mistake and how my family has paid for his mistake. He knows what he did 12 years ago, but he did not know what he was doing 12 years ago. Twelve years ago, I wanted him dead. Today, I want him to live a proper life.

For these reasons, I will be voting for this bill for all the right reasons in the bill, and we will learn from our own science and our own studies whether we made a mistake. I feel that as science progresses we will learn that we did the right thing. I urge your support of Assembly Bill No. 6. Thank you.

SENATOR HARDY:

I cannot recall a time in either my service in the Senate or in the Assembly that I was more inclined to vote against a bill. I am going to vote reluctantly for this for all the reasons that have been stated. This is now the law of the land, and our action here is essentially redundant. I cannot enhance or enlarge upon what the Majority Leader has said. I just wish to publicly and for our record associate myself with his remarks.

SENATOR WASHINGTON:

Thank you, I appreciate the comments from the Majority Leader and my colleagues from Las Vegas.

I stand in opposition to the bill and will vote against it though not for the reasons they noted concerning the mental capacity of those who commit crimes under the age of 18. I believe anyone who commits a premeditated crime has his or her faculties intact. They should be adjudicated as an adult based on the crimes perpetrated. I stand in opposition to this bill for different reasons.

The first reason is that this bill works against the victims. The victims have suffered the loss. It is hard to tell a loved one that the murderer will not be prosecuted under the death penalty because of the perpetrator's mental capacity when the family has suffered the loss of a loved one.

The second reason is the separation of powers. It is not the responsibility of the Judicial Branch of government to legislate. It is the responsibility of the legislators to legislate and to determine what is right for society. We are the representatives of the people. When the courts legislate from the bench, we have a problem. They, then, become the legislators, judge and jury. The framers of our Constitution had no intention of them doing that. The framers of the Constitution separated the powers of the Judicial, Legislative and Executive Branch of government for a reason. The Supreme Court's job is to interpret the laws we pass to make certain they conform to the Constitution.

Thirdly, I oppose this bill because of states' rights. Some advocate states' rights are more important than the rights of the federal government. This is truly treading on states' rights. The states should have the right to legislate according to the dictates of the people concerning crimes and punishments in their states.

My fourth reason for voting against this bill is because it erodes the protection of society. The Majority Leader eloquently stated that in some cases, the death penalty does not act as a deterrent, but for the most part, it does. It gives the individual the opportunity to think about the consequences to the crime they are about to commit. It acts as a protection for society. When we erode those protections, then, we allow violent crime to run rampant. We lose the sanctity of life.

For those four reasons, I am going to vote against the bill. I think it is wrong. We are doing an injustice, and we are sending the wrong message.

Roll call on Assembly Bill No. 6:

YEAS—15.

NAYS—Cegavske, Heck, Lee, McGinness, Rhoads, Washington—6.

Assembly Bill No. 6 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 28, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions Nos. 24, 25, 26.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 24—Memorializing lifelong humanitarian Thomas Eugene Swart.

WHEREAS, Tears of sadness were mingled with warm-hearted memories of, and with love and appreciation for, Thomas Eugene Swart upon his death on November 10, 2004; and

WHEREAS, Thomas Swart, a lifelong resident of Nevada, passed away in his home at the age of 92; and

WHEREAS, Tom was born in Sparks on October 29, 1912, to Elizabeth and Clarence Swart, and a neighbor from his "growing-up years" fondly recalls the neighborhood games played under the street lamps during their high school days; and

WHEREAS, Following his graduation as a "Railroader" from Sparks High School in 1930, Tom began working in the shops for the Southern Pacific Railroad and later became a salesman at Harry's Business Machines, where he worked for 5 years selling typewriters and calculators; and

WHEREAS, Tom continued his career as a salesman by taking a job with Moore Business Forms, during the course of which he traveled his beloved State for 37 years until his retirement in 1974; and

WHEREAS, An untold number of lives were touched and enriched by Tom Swart as he became a pillar of humanitarianism in his community; and

WHEREAS, As the youngest Master, Scottish Rite, in the history of DeMolay's Wadsworth Lodge No. 25 Free and Accepted Masons, Tom unselfishly dedicated time to help prepare young men to lead successful, happy and productive lives; and

WHEREAS, The years spent serving on the Board of the Shriners Hospital for Children that was located in San Francisco represented another aspect of Tom's benevolent spirit toward others; and

WHEREAS, Tom further demonstrated his concern for the betterment of his fellow man through his participation in community service projects and programs with the Reno Kiwanis Club during the years he worked for Moore Business Forms; and

WHEREAS, Because of Tom's enthusiasm about the history of the State of Nevada, and Sparks in particular, he was instrumental in the founding of the Sparks Heritage Foundation and Museum, and he spent many years volunteering there; and

WHEREAS, The installation of a proper monument at the Masonic Memorial Gardens Cemetery in Reno for former Governor Emmet Boyle, the first Nevada-born Governor, constitutes another community project for which Tom Swart's involvement was critical; and

WHEREAS, In addition to the wonderful humanitarian efforts Tom performed for the State of Nevada, his legacy of warmth and friendliness lives through his family and the lives of those to whom he so generously gave; and

WHEREAS, Whenever the name of Tom Swart is mentioned, everyone who knew him will recall with great affection his tremendous memory and the engaging stories he loved to tell about his life; and

WHEREAS, One story that will probably be repeated often is a tale which proves that his love of life and adventure never grew old, as at the age of 80, Tom decided to ride the

Giant Dipper, a monstrous, wooden rollercoaster in Santa Cruz, California, and the ride was great, but the hat was lost; and

WHEREAS, Tom was preceded in death by his beloved wife, Freda Fremd Swart of Susanville, California, and a marriage of 54 years speaks for his devotion to her and his family; and

WHEREAS, The admiration and appreciation for Thomas Swart from his community and the residents of Nevada is superseded only by the love of his family for this caring, giving, supportive husband, father, grandfather and great-grandfather; 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 do hereby express their admiration and appreciation for the contributions made to the community of Reno-Sparks and to the State of Nevada by Thomas Eugene Swart; and be it further

RESOLVED, That each Legislator conveys sincere condolences to the family and friends of this model of the philanthropic spirit; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Thomas Swart's daughters, Barbara Courtney of Reno, Nevada, and Diane Johnson of Ashland, Oregon.

Senator Mathews moved the adoption of the resolution.

Remarks by Senator Mathews.

Senator Mathews requested that her remarks be entered in the Journal.

If you have lived in the Truckee Meadows for any time, you would know the name, Tom Swart. His daughters are seated with me today, and in conversation, I have discovered their aunt was my secretary years ago at Truckee Meadows Community College. It is a small world we live in.

I knew Tom because he was involved in any matter that related to humanitarian issues in the Truckee Meadows. He was a man who loved Nevada. As was stated in this resolution, he loved the history of Nevada. Anyone who knew him, knew he could tell you stories every time you met him. If you went to the Heritage Museum, he was there to tell you everything about that museum. We are going to miss him. We have lost a great historian in Tom.

I am pleased to speak in support of this resolution today.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 25—Commemorating the 20th anniversary of the sister-state relationship between the State of Nevada and the Republic of China on Taiwan.

WHEREAS, On October 24, 1985, the State of Nevada invited the Republic of China on Taiwan to join the State of Nevada as a sister state to strengthen international understanding and good will and to establish a greater friendship between the residents of Nevada and Taiwan; and

WHEREAS, For the past 20 years, the bonds of friendship have strengthened resulting in a better understanding of the economic, social and cultural heritages of Nevada and Taiwan; and

WHEREAS, As a token of this friendship, in 1991, the people of Taiwan presented the State of Nevada with two beautiful metal state seals which were placed prominently on the north and south exterior walls of the Legislative Building; and

WHEREAS, In 1993, The State of Nevada was honored by receiving as a gift, five beautiful paintings by Professor James Yeh-Jau Liu and Professor Wang Ch'ang-chieh which are displayed inside the Legislative Building; and

WHEREAS, The commercial interaction with the Republic of China on Taiwan and the State of Nevada has grown substantially with each passing year resulting in increased economic growth for both Taiwan and Nevada; and

WHEREAS, Taiwan is the seventh largest trade partner of the United States, with over \$45 billion in two-way trade in 2003; 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, on behalf of the people of the State of Nevada, do hereby express their sincere gratitude and appreciation to the people of the Republic of China on Taiwan for 20 years of enlightenment, friendship and mutual economic growth as our sister state; and be it further

RESOLVED, That it is with great pride that the State of Nevada looks forward to many more rewarding years as a sister state with the Republic of China on Taiwan; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Director General Matthew S. Lee of the Taipei Economic and Cultural Office in San Francisco.

Senator Rhoads moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 26—Congratulating Director General Matthew S. Lee on assuming the position of Representative of the Taipei Mission to Latvia and Mark W. P. Liao on being named successor to the position of Director General of the Taipei Economic and Cultural Office in San Francisco, California.

WHEREAS, The Republic of China on Taiwan has been a true friend and partner of the State of Nevada in an enduring sister-state relationship for 20 years; and

WHEREAS, For more than 3 years, the Taipei Economic and Cultural Office in San Francisco has operated successfully under the guidance of the highly respected Director General Matthew S. Lee; and

WHEREAS, Upon assuming the position of Director General of the Taipei Economic and Cultural Office in San Francisco, Director General Matthew S. Lee quickly became a good friend of the State of Nevada, strengthening the bond that has grown with each passing year; and

WHEREAS, Among his many accomplishments during his term at the Taipei Economic and Cultural Office, Director General Matthew S. Lee has helped strengthen the relationship between the Republic of China on Taiwan and the State of Nevada; and

WHEREAS, Before his departure on June 10, 2005, to assume the position of Representative of the Taipei Mission to Latvia, Director General Matthew S. Lee will be honored in a number of receptions to be held in appreciation for his dedication, cooperation and exceptional leadership; and

WHEREAS, On June 11, 2005, the honorable Mark W. P. Liao will assume the position of Director General of the Taipei Economic and Cultural Office in San Francisco; and

WHEREAS, Mark W. P. Liao's educational background includes a Bachelor of Arts degree from National Chengchi University in Taiwan and a Master of Science in Foreign Service degree from Georgetown University, and he also was a visiting scholar at Stanford University; and

WHEREAS, In addition to his outstanding educational background, Mark W. P. Liao has had a distinguished career with the Republic of China on Taiwan, including serving as Director General in Auckland, New Zealand, Director of Political Affairs in the United Kingdom, Secretary General of the NGO Affairs Committee with the Ministry of Foreign Affairs and, most recently, 3 years as the Deputy Director General of the Taipei Economic and Cultural Office in San Francisco; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby expresses its appreciation for the outstanding efforts made by Director General Matthew S. Lee to further an understanding between the State of Nevada and the Republic of China on Taiwan and congratulates him on assuming the position of Representative of the Taipei Mission to Latvia; and be it further

RESOLVED, That the Nevada Legislature looks forward to working together in the future with Director General Mark W. P. Liao while continuing to strive for a strengthening of relations between the Republic of China on Taiwan and the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Director General Matthew S. Lee and Director General Mark W. P. Liao of the Taipei Economic and Cultural Office in San Francisco.

Senator Rhoads moved the adoption of the resolution.

Remarks by Senators Rhoads, Hardy, Care and Raggio.

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

SENATOR RHOADS:

Assembly Concurrent Resolutions Nos. 25 and 26 commemorates 2005 as the 20th anniversary of the sister-state relationship of Nevada with the Republic of China on Taiwan.

This resolution recognizes the longstanding ties our State has had with the people of Taiwan. For over 20 years, Nevada has been a steadfast friend to Taiwan. In October of 1985, this friendship was officially recognized when the Legislature extended an invitation to Taiwan to become our sister-state. The purpose of the sister-state concept has been to foster greater friendship and understanding between the people of the United States and other nations.

Through this particular relationship, Nevada has shown its support, encouragement and admiration for Taiwan. They have also demonstrated their commitment and regard for Nevada as well. Tokens of this esteem can be seen first hand in the metal state seals which are displayed on the exterior walls of our Legislative Building, thanks to former Senator Jacobsen, and in several paintings that hang in our hallways, all of which were gifts from Taiwan.

During the past 20 years, the Legislature has, through numerous resolutions, expressed its continuing regard and gratitude for the sister-state relationship. Our commercial ties with Taiwan have also been mutually beneficial as a result of this relationship, so much so that Taiwan is now one of our State's largest trading partners, with billions of dollars in trade occurring every year.

The State of Nevada has always admired Taiwan's government and the success it has achieved regardless of the many hurdles put in its path. Several members of the Legislature, both Senate and Assembly, have had the exciting experience of traveling to Taiwan to see this success first hand. I, myself, was fortunate enough to visit Taiwan several years ago, and it was an enjoyable experience. In fact, this tie I am wearing was given to me by Taiwan. Traveling through the country, I was most impressed with the industry and commitment the Taiwan government has devoted to building their society. As a result, the people of Taiwan enjoy a democratic way of life, a high standard of living and fundamental human rights.

The people of the Republic of China on Taiwan have worked hard to achieve peace and democracy as well as a good relationship with other nations in the world. Twenty years ago Nevada extended the hand of friendship to Taiwan and both governments and peoples have benefited from this overture. This resolution recognizes that relationship and expresses Nevada's gratitude. I urge your support of this measure.

SENATOR HARDY:

I stand in support of Assembly Concurrent Resolutions Nos. 25 and 26. My father spent about ten years of his life living in Hong Kong and Taiwan. Some of my fondest childhood memories were the summers that we spent in Taiwan. In fact, my father was part of the original delegation that went to Taiwan to discuss this sister-state relationship. I am proud to stand in support today to commemorate and learn that it has been an enduring and thriving relationship.

SENATOR CARE:

Today, originally, we would have heard the resolution supporting the participation by Taiwan in the World Health Organization. I would guess due to political correctness that is not the resolution we have before us.

I strongly support both the resolutions. I used to live in Taipei, and even though I have not been there for many years, I am still impressed today at how industrious and democratic that

island is. It is a shame so much of the world refuses to understand that Taiwan is an independent and formidable nation in its own right.

Had we heard the original resolution, we would have learned that Taiwan seeks to be invited to participate in the work of the World Health Organization (WHO) simply as an observer instead of a full member. This would allow the work of the WHO to proceed without creating political friction and to demonstrate Taiwan's willingness to put aside political controversy for the common good of global health. Many of you may not know it but this was the first country in the world that provided children with free Hepatitis-B vaccinations.

SENATOR RAGGIO:

In this State, we enjoy a special relationship with the Republic of China on Taiwan. I personally have had the opportunity to visit Taiwan on at least five occasions and was present when we formally recognized Taiwan as a sister-state. It was a wonderful occasion.

If anyone has an opportunity to go to Taiwan during the "Double Ten" holiday, which is their day of independence, it is a great celebration. The holiday is a great way to see the spirit and dedication of people enjoying their freedom in their country.

I share Senator Care's comments on the status of Taiwan in the eyes of the world. I know it is a delicate situation. As far as the State of Nevada is concerned, we appreciate the solidarity of their friendship.

We have enjoyed our relationship with all the General Directors who have all been accommodating and good friends. We appreciate the trade growth and balance that has been established with Taiwan.

I first had the opportunity during the early time of normalization on the mainland of China to visit Taiwan and, at that time, to make a comparison between what had occurred in Taiwan and what was happening on the mainland. The difference between them is free enterprise. Free enterprise has made a difference for Taiwan compared to what is occurring on the Chinese mainland. The difference between them is striking, and the rest of the world should note the difference. The difference is "free enterprise" and how it compares to the other "isims" in this world.

I know, today, there is resurgence of the "isims" all over and a great build up on the mainland as well, but I think Taiwan has led the way and set the standard.

We appreciate you and your friendship.

Resolutions adopted.

Resolutions ordered transmitted to the Assembly.

GENERAL FILE AND THIRD READING

Assembly Bill No. 79.

Bill read third time.

Roll call on Assembly Bill No. 79:

YEAS—21.

NAYS—None.

Assembly Bill No. 79 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 82.

Bill read third time.

Roll call on Assembly Bill No. 82:

YEAS—21.

NAYS—None.

Assembly Bill No. 82 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 88.

Bill read third time.

Roll call on Assembly Bill No. 88:

YEAS—21.

NAYS—None.

Assembly Bill No. 88 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 661.

Amend section 1, page 2, line 4, by deleting "fees:" and inserting "~~fees:~~
compensation:".

Amend section 1, page 3, line 12, by deleting "~~\$3.55~~ \$3.75" and inserting
"\$3.55".

Amend section 1, page 3, line 13, by deleting "~~55 cents~~ \$1" and inserting
"55 cents".

Amend section 1, page 3, line 36, by deleting "fees" and inserting "~~fees~~
compensation".

Amend section 1, page 4, line 3, by deleting "fees" and inserting "~~fees~~
compensation".

Amend section 1, page 4, line 5, by deleting "fee" and inserting "~~fee~~
compensation".

Amend section 1, page 4, lines 11 and 18, by deleting "fees" and inserting
"~~fees~~ *compensation*".

Amend section 1, page 4, line 21, by deleting "fee" and inserting "~~fee~~
compensation".

Amend section 1, page 4, line 26, by deleting "fees" and inserting "~~fees~~
compensation".

Amend section 1, page 5, line 3, by deleting "fees" and inserting "~~fees~~
compensation".

Amend section 1, page 5, line 6, by deleting: "A fee of ~~\$5.33~~" and
inserting: "~~A fee of \$5.33~~ *Compensation of*".

Amend section 1, page 5, lines 11, 12, 13, 14 and 16, by deleting "fees"
and inserting "~~fees~~ *compensation*".

Amend section 1, page 5, line 17, by deleting "are" and inserting "~~are~~ *is*".

Amend section 1, page 5, lines 19 and 33, by deleting "fees" and inserting
"~~fees~~ *compensation*".

Amend section 1, page 5, line 36, by deleting "whole fee." and inserting: "~~whole fee.~~ *entire compensation.*".

Amend section 1, page 5, line 37, by deleting "fees" and inserting "~~fees~~ *compensation*".

Amend section 1, page 5, line 40, by deleting "fees have" and inserting: "~~fees have~~ *compensation has*".

Amend section 1, page 5, line 43, by deleting "fees" and inserting "~~fees~~ *compensation*".

Amend the bill as a whole by adding new sections designated sections 1.3 and 1.7, following section 1, to read as follows:

"Sec. 1.3. NRS 4.410 is hereby amended to read as follows:

4.410 1. If the person designated to transcribe the proceedings is:

(a) Regularly employed as a public employee, he is not entitled to additional compensation for preparing the transcript.

(b) Not regularly employed as a public employee and not a certified court reporter, he is entitled to such compensation for preparing the transcript as the board of county commissioners determines.

(c) A certified court reporter, he is entitled to the same ~~fees~~ *compensation* as set forth in NRS 3.370.

2. The ~~fees~~ *compensation* for transcripts and copies must be paid by the party ordering them. In a civil case the preparation of the transcript need not commence until the ~~fees have~~ *compensation has* been deposited with the deputy clerk of the court.

Sec. 1.7. NRS 18.005 is hereby amended to read as follows:

18.005 For the purposes of NRS 18.010 to 18.150, inclusive, the term "costs" means:

1. Clerks' fees.

2. Reporters' fees for depositions, including a reporter's fee for one copy of each deposition.

3. Jurors' fees and expenses, together with reasonable compensation of an officer appointed to act in accordance with NRS 16.120.

4. Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the court finds that the witness was called at the instance of the prevailing party without reason or necessity.

5. Reasonable fees of not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert's testimony were of such necessity as to require the larger fee.

6. Reasonable fees of necessary interpreters.

7. The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.

8. ~~The fees of~~ *Compensation for* the official reporter or reporter pro tempore.

9. Reasonable costs for any bond or undertaking required as part of the action.

10. Fees of a court bailiff who was required to work overtime.

11. Reasonable costs for telecopies.

12. Reasonable costs for photocopies.

13. Reasonable costs for long distance telephone calls.

14. Reasonable costs for postage.

15. Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.

16. Fees charged pursuant to NRS 19.0335.

17. Any other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research."

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. NRS 656.290 is hereby amended to read as follows:

656.290 1. The Board may subpoena and bring before it any person in this State and take testimony orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in courts of this State.

2. Any district court, upon the application of the accused or complainant or of the Board may, by order, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license or certificate, and the court may compel obedience to its order by proceedings for contempt.

3. The Board shall provide a court reporter to transcribe the testimony and preserve a record of all proceedings at the hearing of any case wherein a license or certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and its orders constitute the record of the proceedings. The Board shall furnish a transcript of the record to any person interested in the hearing upon payment therefor of the statutory ~~fees~~ *compensation* for transcription as provided in NRS 3.370.

4. At any time after the suspension or revocation of any license or certificate, the Board may restore it to the accused without examination upon unanimous vote by the Board."

Amend sec. 17, page 13, by deleting line 12 and inserting:

"3. Sections 1, 1.3, 1.7, 4, 5, 11, 12, 13.5, 14 and 16 of this act become".

Amend the title of the bill, first line, by deleting "fees" and inserting "compensation".

Senator Care moved the adoption of the amendment.

Remarks by Senators Care, Carlton and Coffin.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 92.

Bill read third time.

Roll call on Assembly Bill No. 92:

YEAS—21.

NAYS—None.

Assembly Bill No. 92 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126.

Bill read third time.

Roll call on Assembly Bill No. 126:

YEAS—21.

NAYS—None.

Assembly Bill No. 126 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178.

Bill read third time.

Roll call on Assembly Bill No. 178:

YEAS—21.

NAYS—None.

Assembly Bill No. 178 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 205.

Bill read third time.

Roll call on Assembly Bill No. 205:

YEAS—21.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

Roll call on Assembly Bill No. 227:

YEAS—21.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 243.

Bill read third time.

Roll call on Assembly Bill No. 243:

YEAS—21.

NAYS—None.

Assembly Bill No. 243 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 295.

Bill read third time.

Remarks by Senators Beers and Care.

Senator Care moved that Assembly Bill No. 295 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assembly Bill No. 445.

Bill read third time.

Roll call on Assembly Bill No. 445:

YEAS—21.

NAYS—None.

Assembly Bill No. 445 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

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 Robin Williamson, Gil Ayarbe, Mark Green, Greg Bierman, Sarah Buscay and Bill Miles.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and staff from the St. Viator School: Demetrios Alex, Alexander Andresian, Alex Becerra, Taylor Brigman, Matthew Casella, Courtney Cirone, Tyler Clark, Zacary Corona, Jocelle Flores, Sarah Forsythe, Ramez Ghally, Emily Haines, Matthew Hall, Frank Hernandez, Bethany Kozal, Alexander Kulwin, Kenneth Lanzalaco, Genean Lopez, Nicholas Manfredi, Ashley Novak, Matthew Paglia, Isabella Pasbakhsh, Kyler Pollick, Michelle Powelson, Brooke Primm, Andrew Race, Victoria Spelman, Erin Taylor, Gabriela Torresani, Katherine Wells, Lauren Wojtaszek, Anne Womack, Adam Andrewjeski, Philip Antram, Devin Bailey, Ryan Barnard, Dillon Barnett, Madoriann Bernal, Cassandra Bilotta, Timothy Castillo, Brandon Coury, Alyssa Crame, Brandon DeLeon, Wesley Denzler, Andrea Dial, Samantha

Diersen, Melodi Friend, Natalie Garcia, Valerie Gray, Jenny Hagenmaier, William Harrison, Zared Jaimes, Ryan Johnson, Cedric Kovacs, Margueritte Lindstrom, Tamra Lovelace, Karla Meza, Gregory Morgan, Benjamin Nemec, Alexander Olivieri, Andrew Sanders, Kate Sharp, Larissa Silcox, Jaimie Swickard, Erin Verdi, Brittany Wilson; chaperones and staff: Michael Thompson, Jeremy Derkovitz, Marianne Corr, Carol Loeffelholz, Sylvia Cabeaga, Debra Barnett, Rick Denzler, Bryan Dial, Karen Forsythe, Dirgi Garcia, Lisa Giancana, Terri Hanlan, David Kulwin, Mark Lindstrom, Rosa Morgan and Carolyn Wells.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones, staff members from the Martha P. King Elementary School: Gigi Cordero, Lauren Denney, Tore Grasso, Callie Griffin, Jason Gusman, Kenneth Halstead, T. J. Hatfield, Jestina Jurgschat, Darrian Kister, Joseph Miller, Zayne Neill, Gary Ortiz, Emilia Oscilowicz, Eliza Randall, Austin Roefer, Marissa Smith, Keira Lowry, Samantha Altergott, Casey Scott, Christopher Carnes, Brittany Gross, Andrew Gonzalez, Jake Weirich, Michael Mathews, Erika Estrada, Whitnie Woodard, Jonathan Osborne, Francis Rossi, Cheyanne Echler, Brooke Maze, Victoria Parker, Ashley Dunn, Braize Huxford, Candice Childress; chaperones: Margaret Denney, LaDonna Hollifield Grasso, Brent Griffin, Carol Lynn Broadbent, Kathleen Lowry, Janette Scott, Darlene Carnes, Heidi Gross, Stacy Altergott, Stacy Parker, Terry Dunn, Rachelle Huxford; staff members: Carolyn Soliman, Marcella Posthurma and Lee Esplin.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Diane Johnson, Barbara Courtney, Craig Courtney, Ralph Courtney, Sharon Marie Wilcox, Beverly Howard, Clint Howard, Jerry Johnson, Robert LeGoy and Shirley LeGoy.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to the Director General of Taipei Economic and Cultural Office in San Francisco; Mark Liao and Jenny H. C. Kuo.

Senator Raggio moved that the Senate adjourn until Friday, April 29, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 12:27 p.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate