

NEVADA LEGISLATURE

Seventy-Third Session, 2005

ASSEMBLY DAILY JOURNAL

THE EIGHTEENTH DAY

CARSON CITY Thursday, February 24, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

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

Prayer by the Chaplain, Bishop Dennis Wheeler.

Our Father in Heaven, we open this Assembly this morning with much gratitude in our hearts for the lives Thou has given us as well as the lives of our families, friends, and associates. We are grateful for the citizens of this great state of Nevada. We are thankful for the lands under Thy domain that we call home. May we be worthy of them and seek to protect them in all we do. We pray for help and guidance as this session opens and work concerning us all commences. Father, we are grateful for our very freedoms and liberties. We are especially grateful for those many men and women that protect our rights, both here and abroad. May we show our gratitude to them and the freedoms they so diligently protect by the way that we conduct ourselves. In all our affairs and labors we pray. In the name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 127—AN ACT relating to public health; providing subsidies from the Fund for a Healthy Nevada for the coverage of limited-

scope dental and vision benefits within the program of subsidies for the provision of prescription drugs and pharmaceutical services to senior citizens; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Weber, Mabey, McCleary, Sherer, Angle, Claborn, Gansert, Goicoechea, Grady, Hardy, Hettrick, McClain, Munford, Ohrenschall, and Seale:

Assembly Bill No. 128—AN ACT relating to taxation; requiring a county assessor to include certain information in a notice of assessed valuation and to make such information available without charge upon request and on the Internet under certain circumstances; requiring the ex officio tax receiver of a county to include certain information in an individual tax bill or individual tax notice and to make such information available without charge upon request and on the Internet under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Denis, Buckley, Ocegüera, Conklin, Ohrenschall, Allen, Anderson, Atkinson, Carpenter, Christensen, Claborn, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith; Senators Carlton, Mathews, Coffin, Wiener, Care, Hardy, Heck, Horsford, Lee, and Schneider:

Assembly Bill No. 129—AN ACT making an appropriation to the Division of State Library and Archives of the Department of Cultural Affairs for grants to local libraries for library collections; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 8.

Amend sec. 2, page 2, by deleting lines 7 through 9 and inserting:

“Sec. 2. There is hereby appropriated from the State General Fund to the Southern Nevada Adult Mental Health Services of the Division of Mental Health and Developmental Services of the Department of Human Resources for the support of the Mental Health Court in Clark County:”.

Amend the title of the bill to read as follows:

“AN ACT making an appropriation for the support of the Mental Health Court in Clark County; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation for support of Mental Health Court in Clark County. (BDR S-812)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 61.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegueda moved that Assembly Bill No. 87 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 87.

Bill read second time.

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

Amendment No. 13.

Amend section 2, page 4, line 41, by deleting “and” and inserting “or”.

Assemblyman Ocegueda moved the adoption of the amendment.

Remarks by Assemblyman Ocegueda.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.
Mr. Speaker presiding.
Quorum present.

Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Perkins, Ocegüera, Giunchigliani, Anderson, Arberry Jr., Atkinson, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Pierce, and Smith; Senators Titus, Carlton, Coffin, Wiener, Care, Horsford, Lee, Mathews, and Schneider:

Assembly Joint Resolution No. 1—Urging Congress to oppose any attempt to privatize Social Security.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.
Resolution read.

Remarks by Assemblymen Buckley and Mabey.

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Everyone remembers a moment in their lives when they were in school when history became alive, that you weren't bored anymore, something grabbed you. I remember one of those first times for me was when I learned about the Great Depression. It was hard to imagine the ordeal that the country went through having not lived it. The stock market crash. The high rates of unemployment. The suicides, people jumping out of buildings when

they lost all of their savings. At that time, over half of our nation's elderly were living in poverty, and any of them who had savings found the savings were suddenly gone.

But out of hardship came vision. Franklin Delano Roosevelt said, "We can never insure one hundred percent of the population against one hundred percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age." And so began the Social Security Act. For over 60 years, Social Security has been a program of many successes, which ultimately created a country where our senior citizens do not live in abject poverty. 314,120 Nevadans depend on Social Security. In a study by the Center on Budget and Policy Priorities, 67,000 of Nevada seniors are lifted out of poverty because of Social Security. Forty-five percent of elderly people in Nevada would be poor if it was not for Social Security, and 79 percent of these seniors are women who would live in poverty but for Social Security. There is no doubt that Social Security is one of America's most successful programs. There is also little doubt that things are different today; people are living longer and demographics are shifting now so that more retirees will be financed by the future generations. The Congressional Budget Office projects that Social Security can pay full benefits to 2052 and about 80 percent of promised benefits after that. That problem must be solved.

Individual accounts do nothing to reduce the shortfall of funds, as even a recent White House memo indicates. What does the privatization plan do? It diverts money out of Social Security Trust Fund. Because so much of the fund is now being used to fund current retirees, widows, widowers (no Clampus pun intended), the disabled, and children, money being diverted must be replaced.

And what would it cost? The estimates range from \$1 trillion to \$9 trillion over the next decade. No matter which figure is accurate, it means one of two things: massive government debt on top of our massive deficit, or massive benefit cuts. This is the wrong way to go for America. This is the wrong way to go for our seniors.

Privatizations turn Social Security from a guarantee into a gamble. Stock markets go up and down. There is no way to tell when the market is going to go up or down, unless you are Martha Stewart. If you retire when the stock market is down, you lose. If you get cancer when the market is down, you lose. Placing Social Security savings into Wall Street is a risky gamble.

Others have summed it up a lot quicker. Here is my favorite: Social Security is like a car with a flat tire. You should fix the tire and not borrow money to buy another car.

So I would ask that you support this resolution urging Congress to protect our seniors, our disabled, and all of those who depend on Social Security, by urging Congress to strengthen Social Security and not to gamble with it.

ASSEMBLYMAN MABEY:

Thank you, Mr. Speaker. I rise in opposition to AJR 1. I appreciate the elegant remarks by my colleague from Assembly District 8. I am concerned about Social Security. That is my form of retirement, or one of them. But I don't know that privatization is so risky. Those who are employees of the State and county use the PERS system. Most of their funds are in iIndex funds, which are stock and bond funds, the same which would occur, as I understand it, with privatization. When this was started back in 1935, I can't remember the number of employees per recipient, but it was, say, eight or nine. Now it is down to two or three. Something is needed. I understand that it's not an immediate need, but I think it is something that needs to be looked at, and excluding privatization of Social Security funds to be placed in safe index bond or stock funds, to me, does not seem risky. In my opinion, we need to continue to work on this. I would agree it doesn't have to be hasty, but I think this needs to be one of the things that are looked at, privatization of Social Security funds. Thank you, Mr. Speaker.

Roll call on Assembly Joint Resolution No. 1:

YEAS—27.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Mabey, Marvel, Seale, Sibley, Weber—13.

EXCUSED—Hettrick, Sherer—2.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Grady, McCleary, Angle, Anderson, McClain, Allen, Atkinson, Carpenter, Claborn, Conklin, Giunchigliani, Goicoechea, Hettrick, Koivisto, Mabey, Manendo, Munford, Ocegüera, Perkins, Seale, Sibley, Smith, and Weber; Senators Amodei, Care, and McGinness:

Assembly Bill No. 130—AN ACT relating to veterans; revising the provisions governing the filling of certain vacancies on the Nevada Veterans' Services Commission; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Grady, McCleary, Angle, Anderson, McClain, Allen, Atkinson, Carpenter, Claborn, Conklin, Giunchigliani, Goicoechea, Hettrick, Koivisto, Mabey, Manendo, Munford, Ocegüera, Perkins, Seale, Sibley, Smith, and Weber; Senators Amodei, Care, and McGinness:

Assembly Bill No. 131—AN ACT relating to veterans; eliminating the requirement for joint meetings of the Advisory Committee for a Veterans' Cemetery in Northern Nevada and the Advisory Committee for a Veterans' Cemetery in Southern Nevada; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hardy, Denis, Allen, Buckley, Gansert, Goicoechea, McCleary, Mortenson, Ocegüera, Seale, Sherer and Sibley; Senators Heck, Hardy, Cegavske, Nolan and Tiffany:

Assembly Bill No. 132—AN ACT relating to education; requiring school districts and public schools to ensure the provision of a safe and respectful learning environment; prohibiting a school official from interfering with or preventing the disclosure of information concerning harassment or intimidation in public schools; providing that certain causes of action may not be brought against a pupil or an employee or volunteer of a school who reports an incident of harassment or intimidation; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hardy moved that the action whereby Assembly Bill No. 132 was referred to the Committee on Way and Means be rescinded.

Motion carried.

Assemblyman Hardy moved that Assembly Bill No. 132 be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hardy, Allen, Gansert, Goicoechea, Marvel, Seale, Sherer, and Sibley; Senators Nolan and Cegavske:

Assembly Bill No. 133—AN ACT relating to education; requiring school districts to expend a minimum amount of money each year for certain extracurricular activities; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Angle, Carpenter, Grady, Hettrick, Holcomb, and Munford; Senators Washington, Nolan, Beers, Cegavske, Schneider, and Tiffany:

Assembly Bill No. 134—AN ACT relating to education; prohibiting an employee of the Department of Education or a school district from requiring a pupil to obtain a prescription for a controlled substance as a condition to attending school or being evaluated for special educational services; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 135—AN ACT relating to insurance; increasing the maximum annual amounts that may be assessed against certain insurers for purposes relating to investigation of insurance fraud; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 136—AN ACT relating to elections; requiring the Secretary of State to provide to or reimburse each county and city for computer programs and certain supplies that are necessary for conducting elections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Anderson, Buckley, Ohrenschall, Parks, Horne, Arberry, Conklin, Denis, Gerhardt, Giunchigliani, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Ocegüera, Parnell, Pierce, and Smith:

Assembly Bill No. 137—AN ACT relating to insurance; prohibiting an insurer under certain circumstances from making payment to a representative of a claimant in settlement of a third-party liability claim without providing notice of the payment to the claimant; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblywoman Koivisto and Assemblyman Hardy as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jim Gibbons.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:09 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Mathews, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymen Hettrick and Sherer, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Beers and Assemblyman Mabey to wait upon Representative Gibbons and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jim Gibbons, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Gibbons and invited him to deliver his message.

United States Representative Jim Gibbons delivered his message as follows:

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

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

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

Let me begin tonight by applauding Governor Guinn's vision and leadership for providing the best services and quality of life possible for Nevada's residents by first replenishing the Rainy Day Fund; also, ensuring that our children's educational needs are met, and providing incentives for keeping and attracting the best educators to our state, as well as establishing reasonable measures of accountability. In addition, his proposals for increasing Nevada's access to health care benefits, protecting the Millennium Scholarships, and providing affordable housing are so important to the future and well being of our State. Most importantly, the Governor's proposal to give back to the hard-working taxpayer some of the excess surplus is most deserving. After all, ladies and gentlemen, it is their money. So, thank you, Governor Guinn for that proposal.

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

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

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

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

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

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

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

two percent of eligible, registered voters walked the gauntlet of fear, defying their tormentors head on.”

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

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

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

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

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

One thing we all know is that our economic strength cannot continue in Nevada unless we produce the best and brightest workforce from our educational system. If we cannot demonstrate our ability to produce a viable workforce, new businesses looking to come to Nevada will certainly look elsewhere.

Currently, Nevada enjoys some of the lowest unemployment rates in the country and even in our state’s history. Much of the credit goes out to people like Senators Steven Horsford and Warren Hardy. Senator Horsford is the president and CEO of the board of trustees for Nevada Partners, a non-profit organization that provides free, industry-specific job training to many Nevadans. Steven also oversees the Culinary Training Academy, a collaboration between

gaming and the Culinary and Bartenders Union, which prepares more than 2,500 people each year for positions in our state's hospitality industry. Senator Hardy is, of course, well known for his leadership with the Associated Builders and Contractors. ABC is constantly working not only to train those who are helping build Nevada, but to fight for affordable health care for their members, advocate for their right to repair, and negotiate prevailing wage job classifications for open shop contractors. Ladies and gentlemen, these two Senators come from different backgrounds, advancing different legislative priorities based on different political philosophies. However, they are both well-respected because they each possess that heartfelt conviction about these issues and they each care very deeply for our current and future workforce in Nevada.

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

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

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

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

Since the first land sale in 1998 under this Act, through January of this year, Nevada's General Education Fund has increased by 79 million dollars. That revenue is from the sale of more than 28,000 acres of land for development in southern Nevada. Now, had the original percentage of revenue earmarked for education been 35 percent, the number I would like to achieve, rather than the 5 percent that it is at today, Nevada's General Education Fund would have increased by sevenfold. Think about it. Instead of \$80 million, it would be closer to \$600 million. And consider this, by the time you next meet again in the Session of 2007, we will have sold off and additional one-to-two billion dollars worth of land in southern Nevada. Under my plan, that would yield an additional \$350 million to \$700 million for our permanent education

fund. But it can only and will only happen if we work together and we act now to amend this legislation.

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

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

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

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

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

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

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

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

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

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

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

Closer to home, we lost our friend, Sparks Mayor Tony Armstrong. Tony's son, Richard, Richard's wife, Monica, and Tony's wife, Debbie, are here with us tonight. Tony Armstrong and I had been close friends since we were kids in school, growing up in Sparks. We visited each other regularly over the years. We supported each other in our professional and political endeavors. And we always reflected fondly on our youth growing up in Sparks. Tony always had that twinkle in his eye, especially in recent years when he would come up to me and tell me how his pilot training was going, or how his golf game was improving. He was so proud that he was

learning to fly. Now, ladies and gentlemen, I have to admit, I've earned a couple of medals for valor while flying, but I was never brave enough to get into an airplane that Tony Armstrong was piloting. Golf cart, yes; plane, no; and we would also laugh and laugh about that. That was the way Tony was. I visited Tony on the evening before he was taken from us, and most of you have probably heard, his concern was never for himself, but rather for the people he was leaving behind, particularly the good citizens of Sparks whom he represented and his dear family he loved so much. Many of us lost a friend in Tony Armstrong. So oftentimes, in public office, we all sometimes find that we focus too heavily on the sacrifices that we make. But we also can never forget to acknowledge the support of our loved ones. Debbie, we honor your presence, your grace, and your undying love for your dear Tony. I invited you so that we could pay tribute to your husband, but also so we can pay tribute to you, and the sacrifices you and so many other spouses and loved ones make in sharing their dearest friends and partners with the communities they represent.

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

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

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

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

Seconded by Assemblywoman Pierce.

Motion carried unanimously.

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

Senator Rhoads moved that the Joint Session be dissolved.

Seconded by Assemblywoman Parnell.

Motion carried.

Joint Session dissolved at 5:52 p.m.

ASSEMBLY IN SESSION

At 5:53 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Stokes and Dean Alford.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Trujillo, Scott Reed, Ms. Meaghan Fuller, Catey Barber, Donald Anderson, Nelly Becerra, Quinci Benway, Jesika Bonta, Lyndsey boyer, Lissa Bradley, Christian Brown, zachary Brown, Jay Brownson, Naomi Buell, Taylor Burke, Dylan Byrne, Alyssa Carothers, Danny Calvo, Laura Castillion, Kayla Cole, lindsey Coscuna, gina D, Martini, Kaitlin Dotson, Lynn Duer, Leshia Greer, Robert Hardiman, Tiffany Harvey, Ashley Hillyard, Brianna Hulsey, Alex Jarvis, Felicia Khan, Tana Lunsford, Kate Manning, Jose Martinez, Theo Meek, Taylor Moore, Teddi Murray, Samantha Nasewiez, Bethany Neuwerth, Kristen Nicolson, Tyler Pearson, Ashley Reed, Emily Reiwitich, Brianna reynolds, Kayla Rife, Raina Scudder, Bryanna Snoddy, Megan Stockert, Tedi Tayloe, Christy Violago, Ashley Walklin, Lakeya Washington, Sarah Watt, Kiley Webb, Brittney Westphal, Cassie White, Anna Whittle, Shelby Prather, Paul Riedal, and Britiney Julius.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended Shari Buck, Eileen Montgomery, and Kristen Cislo.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 25, 2005 at 10:30 a.m.

Motion carried.

Assembly adjourned at 5:53 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly