

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

---

## ASSEMBLY DAILY JOURNAL

---

### THE ONE-HUNDREDTH DAY

CARSON CITY (Tuesday), May 17, 2005

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Elder Ralph Burns.

Today we are gathered to honor your positions and praise you for the hard work you have done to get here. I ask the Creator to bless you with the strength and wisdom to make good and fair decisions. To not only think with your mind but to look into your hearts and listen for answers to make right choices that affect all the people, all the land, all the waters, and all the air. May your families also have good health and happiness to support you in your work. With great respect, heartfelt gratitude, we welcome you all and wish you good luck as your journey begins.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguela 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 Senate Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

BARBARA BUCKLEY, *Chairman*

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. I think, as you see what goes on down the hall with the Senate's recognition of those members who have served with great honor and distinction, it is long overdue that we have a similar type of recognition in this House, although I think we would all agree that most of the members of the People's House have served with greater humility than they do down the hall. It is still with great honor that I think we should recognize our own, those who have truly led this state for many, many years and have served the state well.

Oftentimes, I've had conversations with new members about walking into these Chambers and having Abraham Lincoln oversee the proceedings and how, after my tenure here, I am still in great awe, every time we walk into these Chambers, about the responsibility we bear and the responsibility we owe to the citizens of this state. So, it is truly my belief that it is long overdue and appropriate to create our own wall, to recognize these that came before us and have served this state with great pride and in appropriate ways, people we've looked to for many, many years for guidance, and hopefully we'll continue to have that tradition for many, many years. For those reasons, I urge your support of Assembly Resolution No. 6.

ASSEMBLYMAN HETRICK:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Resolution No. 6. First, I do want to thank the Speaker for asking that we participate together and do this. I thought it was very appropriate and I thank him for that. I do think it is important for us to recognize the folks who have served here, the folks who have served here with distinction. To recognize them by putting them out there for all to see is an appropriate thing. I am proud to rise in support of this resolution and urge my colleagues' support.

Resolution adopted unanimously.

By Assemblymen Perkins, Buckley, and Hettrick:

**Assembly Resolution No. 7—Adding Joseph E. Dini, Jr., to the Assembly Wall of Distinction.**

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Joseph E. Dini, Jr., served the Nevada Assembly, the "people's house" of the Legislature, with great skill, integrity, leadership and fairness as its Speaker for an unprecedented 16 years, from 1977 to 1978 and 1987 to 2000, and as a member for a record 36 years; and

WHEREAS, Joe Dini's record-setting service in the Assembly is a legacy that will endure over future years, decades and centuries and that rightly earned him the ongoing designations of "Speaker Emeritus" and "State Assemblyman 1"; and

WHEREAS, Joe Dini represented the very fabric of the legislative institution and will forever be remembered for his diligent efforts to guide Nevada in its transition from a small western state to the most vibrant and rapidly growing state in the nation; and

WHEREAS, Joe Dini was a recognized expert on numerous issues important to both rural and urban areas of the State, including the management of Nevada's precious water resources, public education, arts, cultural affairs and historic preservation, and the protection of the clear waters of Lake Tahoe through an Interstate Compact between Nevada and California; and

WHEREAS, The people and government of the State of Nevada were incredibly fortunate to have been served faithfully and led with great vision by "Mr. Speaker" Joseph E. Dini, Jr.; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Speaker Joseph E. Dini, Jr., who dedicated much of his life to the service of the people of the State of Nevada as the longest serving Speaker and member of the Nevada Assembly, is hereby added to the Assembly Wall of Distinction.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Buckley, Hettrick, Grady, Marvel, Anderson, Arberry, Leslie, and Ohrenschall.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making remarks.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. Certainly, as we create this Wall of Distinction, there is no greater person to be the first inductee than Joseph E. Dini, Jr. The resolution speaks in small part of some of the things Speaker Dini did and accomplished and all the reasons why we're so respectful of his service. I thought it would be interesting as well to share a little bit of his biography with this Body.

Joseph E. Dini, Jr. was born in Yerington, Nevada. His parents were Giuseppe and Elvira Costaloni Dini, immigrants to America in the early 1900s from an area in Tuscany in Italy. I'll mess up the Italian, so I'm not going to go there. Joe obviously attended schools in Yerington, went on to the University of Nevada, graduating from there. There was long service to the family business at Dini's Lucky Club. Joe was first elected to public office in 1966, when he won election to this very House, serving in the Old Chambers. Some of you may remember our sojourn over there earlier this year.

Joe was a legislative leader on many fronts. In 1973, he was selected to serve as the Speaker pro Tempore under then-Speaker Keith Ashworth. In 1975, he was elevated to Majority Floor Leader. In 1977, he was elected to his first term as Speaker in the Assembly. Speaker Dini served as Minority Leader in 1985, and in 1987 was again elected Speaker of the Assembly and remained in that role through the 1999 Session. In 1995, Speaker Dini was co-Speaker with Assemblyman Hettrick. It was an interesting time for those of you that remember. In fact, as much as that session was doomed for failure because of the evenly split House, I attribute largely to Joe and to Lynn the success of that session that many remember.

Joe was a leader on many issues affecting Nevada. He helped draft the Nevada Plan in 1967, an education revenue equity formula, dozens of water bills, chaired two legislative studies, served on the Western States Water Council, chaired the Water Policy Committee for the Council of State Governments for about a decade, worked with other Nevada and California legislators to hammer out the redrafting of the bi-state Tahoe Regional Planning Compact. I could go on, and on, and on. The accomplishments of Joe Dini are very distinguished and very well known. There are probably others that I have missed that he would like to be recognized for because they were such a big part of his life, as he served 36 years in this House.

When I first got elected, before I came to Carson City, I had actually been here a couple of times to visit and watch the legislation that was ongoing then. I was always in awe of Joe. He was always so quiet and walked around these halls with such dignity. He was the epitome of a statesman. In 1995, he made me his Floor Leader. There was a quip by a southern Nevada political pundit about how Joe Dini could pluck this obscure cop from Henderson and thrust him into the role of Floor Leader. I will always be indebted and grateful for that opportunity. When I came here, my first session working with Joe, I knew I was working with history. He was setting history every day he was here. I think as we look back at that, as the history books are written about the State of Nevada, they will always include the work of Joe Dini.

No one could ask for a better mentor. His teaching style, his steady hand, his approach to life, and his approach to implementing his love of this great state could not have been better. I also attribute, for those of you who have watched the evolution of the Assembly Democrats from the mid-1980s until the 1990s and the successes that were seen there, a lot of that to Joe. He was able to balance the business community, the labor community, northern Nevada, southern Nevada, rural Nevada in a way I've never seen anyone else accomplish. He taught me and prepared me for the job I now hold. He created the transition on his own accord in 2001. If I could sum up my relationship with Joe, it would be tell you, without equivocation, that I consider him a surrogate father to me. Joe, we miss your steady hand, your institutional

knowledge, and so much more that you provided for this House. You're obviously the longest-serving member.

One little story I can share. We were having a tribute to Speaker Dini in Reno once and there was a great, big map of Nevada, with Yerington right smack in the middle. Every road in Nevada led to Yerington. That was symbolic of Joe's service here and basically getting every road in Yerington paved. It created this aura that Nevada kind of revolved around Yerington because of Joe's service and his efforts.

I hope that when I leave this Legislature, I'm thought of as someone who contributed in a positive way to this process, that I was a good Speaker. I know that the only thing I have to do to accomplish that is to emulate just a small part of what you meant to this Body and what you mean to our great state. I'll always be thankful for what I've learned from you and our relationship we've always had. You will always be known in Nevada as Mr. Speaker. Thank you for your service to the state.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. Speaker Dini knew so much about so many issues: water, insurance, education. He knew every bill, he knew the history of every bill, he knew the story behind every bill, he knew what bills were good, which bills weren't, who wanted what and why, and whether it was good for the state of Nevada. He oversaw a transition. I don't know if I can imagine what this Body was like 36 or 34 or 30 years ago. But the stories I hear—business being done in Jack's Bar, smoking—it just conjures up kind of a good ol' boy, rough and tumble Nevada. He oversaw the transition to what we are today. In those days, women didn't have a powerful role in running the Assembly. Under Speaker Dini, we had women chairing committees, having a leadership role. When I came in 1995, it was a historic time, being tied. Right before Speaker Dini and Minority Leader Hettrick patched things up, it wasn't so smooth. The Assembly Republicans had a caucus and declared themselves in the majority because there were two election challenges, one against Jan Evans and one against the current Speaker pro Tempore. So, Speaker Dini called me up and said, "Hey, you're a lawyer, right?" I said yes. "Well, we've got our first job for you." So I worked with Bob Sader, who was the outgoing chair of Judiciary, and the Speaker. We made an argument that you can't take someone's seats away from them without due process by saying they don't have their seats. Secretary of State Heller caved, issued the certificates of election, and Lynn and Joe went on to run one of the smoothest sessions in history.

My point to that story is that Speaker Dini didn't know me, gave me a chance to work on something exciting, and promoted me to Leadership with Speaker Perkins. He gave me every chance that I have. Of all the people I have learned things from during my ten years in the Assembly, I learned from Joe Dini more than anyone else. Here's a couple of things I learned. You don't have to talk loudly to get your point across. Joe sometimes wouldn't say anything for six committee meetings, and then he'd speak and everyone would listen, because he spoke when he had something to say, and he spoke with such authority and conviction that it carried the day. Whether or not you were with him or not, it carried the day. He taught me that you can be a Democrat and appreciate the business community. What is ironic is the speeches he gave me my first two sessions about calming down and working with people more. I now give those speeches to freshmen. I find it quite ironic to be giving those speeches, especially when I see the faces of some freshmen, like, "What are you talking about? I'm right." They're all ready to go. I feel like Speaker Dini when he was giving those speeches. The irony is not lost on me whatsoever. He once said to me, "The best thing you can do in this building is to be a mechanic. Know what's in a bill, know how to take it apart, and know how to put it together again so it will run." That sums up Joe Dini. He knew this process backwards and forwards. He will have forgotten more than most of us will learn. I hope for the freshmen and sophomores who didn't have an experience with working with Joe Dini, give him a call. You probably could learn more from that phone call than you could your whole first session. We miss you. We thank you. We don't know how you did 36 years, but the state is so much more the better for it, Mr. Speaker.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Resolution No. 7. It would simply be totally remiss of me not to stand up here and tell Speaker Dini what a

true honor it was to serve with him and has been to serve with him in this House, both as an Assemblyman and as a co-Speaker. He was always fair. He always treated me absolutely equally to everyone else. It was something I always appreciated about him was that he was fair. I remember going to him one time and talking to him about a bill I had. He said, "I really don't like that bill very much." And I said, "Well, I have the votes." He said, "If you have the votes, you've got the bill, but I'm going to fight it." And indeed, I had the votes. He took the vote and the bill passed, but he was fair. He treated me the same as everyone else. I truly appreciated that. I think I'd be totally remiss if I didn't say that a great deal of his success—and, I know, of mine—when we had that 1995 co-Speaker session, has to be attributed to Mouryne, who was the Chief Clerk. She made us look good and has always made this Body, through her service here, look good. Another person with many, many years of service to this House, all of that to the benefit of the state of Nevada. I am proud to rise in support of this.

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker pro Tempore. I, also, rise in support of Assembly Resolution No. 7. First off, I would like to really thank his leadership. If you talk to anyone from District 38, and I don't care where you go, if it's to Virginia City, or Gold Hill, or Yerington, or Silver Springs, you mention Joe Dini and it's like a ticket to the Super Bowl. You are respected because you know Joe Dini. Some of the things that were mentioned here, the Speaker mentioned the paved roads in Yerington, I think one of the things we're most proud of is the Six Mile Canyon paved road. Everyone remembers that. Joe has the distinction of having four sons; two of them are in business with him. One of them, his son George, probably runs one of the finest restaurants, the finest restaurant in Yerington, if not all of Lyon County. It is named after Joe's father, Giuseppe's. I would encourage you to stop by Dini's Lucky Club. It is a great place. I served as mayor in Yerington and used to go to Joe quite often and ask his advice. When I decided I would run for this office and I was elected, the first person I went to was Joe. "What should I do?" He said, "Remember one thing: God gave you one mouth and two ears. And there's a reason for that." Joe, I thank you. The people of District 38 thank you. Mouryne, thank you, too. We just appreciate what you two have done for Nevada. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the resolution. It was just such a pleasure sitting with Joe all those years, from 1979 to the time he elected not to run again. He certainly has been sorely missed. But if you can say one thing about Joe, he is Mr. Nevada. I think he's done everything. I think he was fair. As the resolution says and the Speaker said, he was fair to everybody. It didn't make a difference what party you were from or what your interest was, Joe took it and sorted out all the facts. If something was good, he went for it, regardless of what the partisanship was.

I remember my first session here. I was on Government Affairs when Joe was Chairman. We had one of the other honorees on that committee, Lou Bergevin. Lou sat at one end of the table, and I sat at the other. He were are, two Republicans, and Joe the Democrat, and if he wanted a vote killed he'd nod at either one of us. We took on that responsibility. One thing I would like to say, Joe, is that you did a tremendous job in picking your mate there. I might say if we ever have a Wall of Distinction for Chief Clerks, I certainly would nominate Mouryne. Joe, it is great to have you here today, and wish you all the luck and health in the world.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I am really at a loss to say something about Speaker Emeritus Dini. The first time that I came down to Carson City to lobby on an education bill, I spent a day and a half trying to figure out what Joe Dini's first name was, because in the Italian neighborhood I grew up in, people had names like Romaciotti and Cicarelli. I naturally thought that Joe Dini was his last name. The reality is that we honor the Speaker for many different reasons, but for me, it is the integrity of the man that he is, and has always been that he stands for. It is not his longevity as Speaker or the length of time that he's been here, but the integrity with which he served while he was here. It was his vision and his foresight that makes him the distinctive person that he is. His caring nature, his willingness to listen and to work out whatever problem you have and his advice to me, besides, "You ought to sit and shut up," has

always been important. There are many funny stories I think we, all of us, can tell about Speaker Dini, but probably the one for me that has always been the most important when he told me it would be a good idea to visit the museum, rather than go back to my office and listen to three or four lobbyists push me around on a particular piece of legislation. Strangely enough, when I came back from visiting the museum, they had worked out their problem by themselves. They didn't need me. His advice was sage advice, if we had the courage to listen and follow. It was always helpful. For that, I'm most greatly grateful, Mr. Speaker.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker pro Tempore. I wasn't going to say anything, because I knew there were going to be a quite a few that have served with the Speaker, but I thought I would say something and share with this Body a couple of stories about the Speaker and myself. There was a time when everyone, like the Speaker, said that all roads lead to Yerington. As a fresh person, being Chair of Ways and Means, Joe had a bill to put in a road to go somewhere. I don't have a clue today. But, it was very hard for me to be the chair of Ways and Means and tell the Speaker no. He would come to me and say, "You going to pass my bill?" I would say no. He would come back and I would say, "No." So then, one day I had to line up the votes to kill the Speaker's bill. So we killed his bill. He said, "That's okay." Then he went over to the Senate. This was when I really started learning. He was testing me, and I knew that was what it was about. He put the road in a bill in the Senate. And he hid it way in the back of the bill. Chris and myself, we were going through the bills one day and said, "The Speaker has gone and hid that road in the back of this bill." He was determined to get this road to Yerington. I tell you, Mr. Speaker, I appreciate and respect you making me do my homework and making sure we read the bills.

That was one of the issues. His passion is that in our community we had some sinking homes one time. Everybody in that development, all the homes were sinking. I went to the Speaker and went to the chairman at the time, Marvin Sedway. I spoke to them about the issue because the people living in this area were elderly or retired. They could not afford to just get up and move and go somewhere else. Between the Speaker and Marvin, they called the Governor's Office and requested the State jet. We were going to go down there and take a look. I thought that was really, really admirable. We left here and flew down. They walked around in these folks' home. This gentleman was in his bed and we walked up this hallway, and we had to walk sideways because it was slanted. The Speaker and Marvin spoke to the man, who was on his deathbed, and he said, "Is there anything you can do for these homeowners and my family? I might not see it, but can you do something?" Before we walked out of that house, the Speaker and Marvin Sedway said, "Get them the money and get it now." I owe you, Joe. I really do.

The other part of it is that you have to have served with a gentleman like Joe, to serve with someone who really cares about Nevada. I used to say he wasn't fair sometimes, because I felt that because he was from Yerington, he had no clue what went on in southern Nevada. But he was in Las Vegas more than I was. I would see Joe and he would say, "You coming out to have breakfast with me?" We are glad that you were there. God put you there for a reason and brought you to the state of Nevada. I'm glad I had the honor to serve with you, and I will always respect you as Mr. Speaker.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker pro Tempore. I, too, rise in support. I just have one short story to tell. I served my first session under Speaker Dini. I was a Dini Democrat. Some people still ask what that is. All you have to do is listen to what people have said today about Speaker Dini to know what he stands for, for Democrats in particular. In my first session, he told me privately what I think he told Ms. Buckley, and, I would guess, our Speaker pro Tempore as well: "Freshmen should be seen and not heard." Over the years, I've come to really understand what that means and what good advice that was. So, today he walked in and said, "You know, you're doing a good job. Getting in the paper too much, but you're doing a good job." I said, "Well, Speaker Dini, you wouldn't be too proud of me this morning, because I lost my temper in committee and I don't like to do that, and did." I told him what it was over. He said, "Sometimes you have to slap down your hand." He told me a story, one I won't repeat, about something that happened with Senator Raggio, and it made me feel so much better. Speaker Dini, we all look up to you so much. I'm so proud to have served here under you. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. What can I say? Joe Dini not only taught all of us here everything that we know about the legislative process, the legislative history of Nevada, but he also taught us how to understand people and how to value them, something that is absolutely necessary in running any type of government. He always had an ear to listen to anyone's problem, no matter how big or how small. He seemed to be here 24 hours a day, because I never remember being in the building when he wasn't in the building while he was Speaker. And it was a just a great education for every one of us. Thank you very much, Mr. Speaker, Joe Dini.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

I was a freshman, and the Speaker gave me the opportunity to chair Labor and Management at that time. I scared him to death, I think. It was an honor and it was an opportunity, as a freshman and as a woman, to come into a different role. Many of the comments that were made today don't sum up the person. I don't think the words I have can do that either. I think he brought a balance to this state. You helped us from the urban parts to understand the rural needs, and vice versa. You took the time to come to southern Nevada. You knew northern Nevada. You balanced that. That is what this whole institution is about. I think that sometimes we forget it is not about us, but it's about the institution, and it's about the constituents that the institution serves. I think that pride that you have has penetrated these halls. You are truly a statesman, but you are also Italian. Through that Italianess there's a family link, a friendship, an ethic that you bring to that as well. So, as a fellow "paisano," I just want to thank you for giving me the opportunities you did, but also all the people in these halls. You broke some trends that were there. I don't think people realize that part of it. Thank you for your openness and understanding, Mr. Speaker.

Resolution adopted unanimously.

By Assemblymen Perkins, Buckley and Hettrick:

Assembly Resolution No. 8—Adding Jan Evans to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Jan Evans represented with vision, integrity and compassion the residents of the State of Nevada and Assembly District No. 30 of Washoe County as a member of the Nevada Assembly for 14 years from 1987 to 2000; and

WHEREAS, Jan Evans was elected by her colleagues in the Assembly as Speaker pro Tempore for the 1995, 1997 and 1999 sessions and served with great skill in this capacity and in appointive positions as Assistant Majority Floor Leader, Chair of the Assembly Committee on Health and Human Services, and Vice Chair of the Assembly Committee on Ways and Means; and

WHEREAS, During her years of service in the Assembly, Jan Evans was widely recognized for her intelligence, hard work, honesty and unfailing commitment to improving the lives of less fortunate Nevadans and advocating programs of crucial importance to women, children, families and persons with disabilities; and

WHEREAS, Among other measures, Jan Evans sponsored important legislation to assist victims of domestic violence, enhance funding for occupational education, improve public services pertaining to alcohol and substance abuse, and establish state spending priorities for money derived from federal tobacco settlements; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblywoman Jan Evans, who dedicated much of her life to the service of the people of the State of Nevada as a member of the Assembly and in a number of other capacities, is hereby added to the Assembly Wall of Distinction.

Assemblywoman Smith moved the adoption of the resolution.