

NEVADA LEGISLATURE

Seventy-Third Session, 2005

ASSEMBLY DAILY JOURNAL

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday) March 22, 2005

Assembly called to order at 11:13 a.m. in the Assembly Chambers at the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

Proverbs 15:23 says, “. . . how delightful is a timely word!” Our Heavenly Father, may we speak words of challenge, encouragement, decision, and delight this day. I pray in the name of my Savior.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley 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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 55; Senate Bill No. 164.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Perkins:

Assembly Bill No. 345—AN ACT relating to the Peace Officers' Standards and Training Commission; expanding the membership of the Commission; providing that the Chairman of the Commission may only vote to break ties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Grady and Ocegüera (by request):

Assembly Bill No. 346—AN ACT relating to fire protection; authorizing the State Fire Marshal to adopt certain regulations relating to the use of fire by fire departments in providing training to firemen; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Goicoechea, Grady, and Carpenter; Senators McGinness, Amodei, and Beers:

Assembly Bill No. 347—AN ACT relating to taxation; clarifying certain provisions governing the administration of the exemption from the Sales and Use Tax Act of 1955 and certain analogous taxes for property shipped out of State; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for farm machinery and equipment; providing such an exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 164.

Assemblywoman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 11 of the 72nd Session.
Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 13 of the 72nd Session.
Resolution read second time and ordered to third reading.

ASSEMBLY IN SESSION

At 11:25 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 79:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 141:

YEAS—42.

NAYS—None.

Assembly Bill No. 141 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblymen Smith and Anderson.

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

Roll call on Assembly Bill No. 164:

YEAS—29.

NAYS—Anderson, Angle, Buckley, Carpenter, Conklin, Denis, Giunchigliani, Horne,
Koivisto, Mabey, Manendo, Mortenson, Ohrenschall—13.

Assembly Bill No. 164 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 114:

YEAS—42.

NAYS—None.

Senate Bill No. 114 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.,
where it would meet in the Nevada Legislative Building.

Motion carried.

Assembly in recess at 11:50 p.m.

ASSEMBLY IN SESSION

At 5:05 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker pro Tempore appointed Assemblyman Conklin and Assemblywoman Allen as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator John Ensign.

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

Madam Speaker pro Tempore invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:12 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Arberry, Buckley, and Parks, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Nolan and Assemblywoman Weber to wait upon Senator Ensign and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable John Ensign, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Madam Speaker pro Tempore welcomed Senator Ensign and invited him to deliver his message.

United States Senator John Ensign delivered his message as follows:

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

Thank you, Governor, Madam President, Madam Speaker Pro Tem, Mr. Speaker, Majority and Minority Leaders, constitutional officers, members of the Legislature, and special guests. Thank you for inviting me to join you tonight. It is always great to be here in our state's capital with so many friends. For the eighteenth year, we are the fastest growing state in the

nation. Although there are challenges that come with that growth, I am incredibly proud of how Nevada has led the nation in innovation and vision on so many different fronts.

One of my proudest legislative accomplishments, which has literally become the envy of Washington, D.C., is the Southern Nevada Public Lands Management Act, which I wrote with then Senator Dick Bryan when I was in the House of Representatives. It has exceeded all possible expectations. When we first brought environmentalists, land users, wilderness groups, local, state, and federal governments together, our most optimistic estimates were that about \$50,000 per acre would be achieved with the auction of these public lands. Seven years and a booming economy later, land is being auctioned off at \$300,000 per acre thus far, bringing our great state more than \$2 billion in proceeds. It really is quite remarkable. Our general education fund has received more than \$78 million and water infrastructure has benefited by more than \$144 million. We've improved parks and trails, acquired environmentally sensitive lands, and worked to conserve beautiful natural resources across Nevada.

I'm especially proud of legislation I authored that amended the Southern Nevada Lands Act, which guarantees \$300 million for water clarity, erosion control, and fire suppression at Lake Tahoe. The Spring Mountain Range and Mount Charleston in southern Nevada are slated to receive a \$50 million jump-start for infrastructure and fuel reduction to help heal some of the challenges faced there. The success of the Southern Nevada Lands Act is so much more than what we thought it would be because southern Nevadans made the land valuable. They have put in the infrastructure and they have put in the sweat equity to make land so valuable. That is why the funds generated by those land auctions must stay in the state of Nevada. I am thrilled that through the Budget Committee, on which I sit, we were able to stop any attempts to steal our proceeds for the federal coffers. I also received commitments from powerful allies on the Appropriations, and on the Energy Committee, to join our fight if another attempt is made to raid our funds. You can rest assured that I will work tirelessly with Senator Reid, and the rest of the delegation, to stop any further efforts to take these funds from Nevada. Additionally, Senator Reid, Congressman Gibbons, and I worked with countless interested parties to get the Clark County Lands Bill and the Lincoln County Lands Bill signed into law by President Bush. Both pieces of legislation will greatly contribute to the quality of life for residents in both counties.

Senator Reid and I have invited every county in Nevada to consider pursuing a lands bill to address growth, environmentally sensitive areas, and recreation. Several counties are now working on bills as we speak. I extend that invitation again tonight to those counties who haven't yet formulated a plan to take advantage of this historic precedent. It is tough work, but bringing together diverse and interested groups, working through difficult issues, and seeing the result of that work is truly remarkable. We had a vision about how to grow southern Nevada and take care of precious resources at the same time. Today, that vision is paying off.

The vision of Nevada educators is something I have also become very familiar with over the past several years. I have met with school administrators, teachers, and parents in school districts across the State. I have asked them to share with me the successes and struggles that they face. They have come up with some very thoughtful and innovative approaches that I have taken back to Washington, as we work to improve the No Child Left Behind Act and the Individuals With Disabilities Education Act. We have come a long way.

Last time I spoke with you, I told you that the No Child Left Behind Act was absolutely not an unfunded mandate. I was so sure of myself because I fought for a provision in the law to allow school districts to opt out of having to comply if there was anything that we required that we did not fund. Well, over the past two years, I have challenged every single district in this state and every single person who has claimed that it is an unfunded mandate, that if you believe that, show me where there is an unfunded mandate. Not one person, to this date, has shown an unfunded mandate. Not one single person, not one single school district. Now, I know that the No Child Left Behind Act is not a perfect piece of legislation, but it is not an unfunded mandate. I will continue to work with educators across this state to make it a better legislation for our students to improve our schools. It is our children's education and future that should be all of our top priority.

Nevada has also been at the head of another class for the past 20 years, as our state has been showing the nation how to plan for retirement. I'm not talking about some of the beautiful retirement communities around the state. Since 1984, Nevada's public school teachers and state

employees have had the opportunity to invest a portion of their paychecks in the Public Employees Retirement System of Nevada. As a matter of fact, they are exempt from paying into Social Security. I have asked hundreds of teachers over the years how they would feel about giving up the opportunity to contribute to PERS and instead be enrolled into Social Security like the rest of us. Let's just say that the response was not very positive. That is because PERS has averaged almost an 11 percent rate of return since its inception. During that time, Social Security has had a 2 percent rate of return; 11 percent versus 2 percent. Pretty obvious. PERS is not a perfect system either. Like Social Security, PERS is susceptible to the whims of elected officials because there are no protected personal accounts.

As we all know, the current Social Security Trust Fund really is just a farce. It is made up of nothing but IOUs, paper IOUs, that are just promises for future generations to pay taxes for future retirees. That's because since the beginning of Social Security, politicians have been spending that money as if it was their personal rainy day account. Enough is enough. We must come up with a better, stronger system that saves and strengthens Social Security for tomorrow. The new system is about empowering Americans, who earn money by working long hours and sacrificing family time, with the right to own their money and the right to make their decisions about how their money will grow. They should know that their hard-earned money in their retirement accounts is secure in a personal account that cannot be spent to pay for Congress' fiscal irresponsibility. They should feel secure knowing that their retirement money, locked in their own personal account, can also be passed on to their children. After all, it is their hard-earned money, and part of living the American dream is having something to leave behind for the next generation. That shouldn't just be true for wealthy families. We can make it true for all Americans.

The personal account, which, again, is completely voluntary, will only be comprised of a portion of a worker's payroll taxes. The majority would go into the Social Security system to ensure that a safety net is in place. There would also be limits on how much and where the money could be invested. Personal accounts alone, however, will not fix the entire problem, but they work toward the goal of providing a safe and secure retirement future with the opportunity for financial growth. Without the personal accounts, we only delay a future crisis because the system, in its current form, is completely unsustainable. Today, Senators, members of Congress, and all federal employees have true personal accounts in addition to Social Security; its called the Thrift Savings Program. We all choose where to put our money from a list of five index funds. The money in my account is mine when I retire. I own it. Nobody else can dip into it or borrow from it. It's mine. Every single American worker deserves to have ownership over their retirement account. The retirement systems that benefit federal employees and Nevada state employees are innovative and visionary plans, and we should use the same vision as we work to save and strengthen Social Security today.

It's that kind of vision that makes us so proud of this state. But even more special to me than the innovation that thrives in Nevada are the people who make it all possible. I think of people like Mike O'Callaghan, who loved this state with every fiber of his being and who dedicated his life to making it a better place to live for all of us. I think of people like Tony Armstrong, Mayor of Sparks, who brought humility to public office and showed us that we serve our constituents best when we serve with our hearts.

Since I last spoke with you two years ago, no one has shown more bravery and courage than Nevada's servicemen and women who have sacrificed so much to defend our freedom. Sadly, twelve sons of Nevada have given their lives in their service to this nation in Iraq and Afghanistan. While we mourn their losses, I continue to be inspired by the heroism and complete commitment of our armed forces. And Nevadans have led on that front, too. Corporal Daniel Routson from Winnemucca, who was awarded the Navy and Marine Corps Commendation Medal with Combat "V," last July, a 20-man insurgent force dressed as Arab civilians ambushed his platoon. Corporal Routson drove his unarmored civilian vehicle through a hail of enemy fire in pursuit of fleeing insurgents. His actions resulted in the capture of two foreign fighters. And then there is Lance Corporal Miguel Melara, a 2003 Douglas High School graduate, who was wounded in November during the intense battle for the city of Fallujah. With shrapnel wounds to his lip, forehead, neck, and leg, the young Marine was given the option of leaving Iraq. He chose to stay with his comrades. Lance Corporal Melara finished his tour and is

stationed, now, at Camp Pendleton until he is deployed again at the end of the summer. I know that all Nevadans are thankful for these exceptional men and the countless other brave men and women in uniform from Nevada in our Armed Forces who have exhibited unbelievable strength and courage. Having been to Iraq twice, attended many funerals, and visited with injured servicemen at Walter Reed Hospital, I've seen their sacrifices and the effects firsthand. And the fruits of their sacrifices are also being witnessed across the world.

As Martin Luther King, Jr. once urged, "Let freedom ring." Today, that glorious ring of freedom is being heard in Iraq, where democratic elections have been held and where thousands of Iraqis recently protested against foreign fighters while chanting, "No to terrorism." It's being heard in Afghanistan where a free government, elected by their people, is running that country, and not terrorists or regimes of hate. And it's being heard in Lebanon, where hundreds of thousands of Lebanese are demanding that Syrian troops leave their country. Make no mistake about it. This is not an American freedom being forced down the throats of unwilling nations and reluctant people. This is a freedom yearned for and sought by nations and people who want a better life for themselves and their children and their grandchildren. As President Bush said, this is a "freedom granted by a Higher Being." All of God's children deserve to be free, and the United States of America will never stop supporting freedom. We are all so fortunate to live in the greatest nation in the history of the world. God bless you, God bless Nevada, and God bless America. Thank you.

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

Seconded by Assemblywoman Parnell.

Motion carried unanimously.

The Committee on Escort escorted Senator Ensign to the Bar of the Assembly.

Senator Tiffany moved that the Joint Session be dissolved.

Seconded by Assemblyman Hardy.

Motion carried.

Joint Session dissolved at 5:33 p.m.

ASSEMBLY IN SESSION

At 5:35 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

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

Assembly in recess at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:43 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Horne, Perkins, Ocegüera, and Anderson:

Assembly Bill No. 348—AN ACT relating to traffic laws; prohibiting the operation of a vehicle, other than an authorized emergency vehicle, equipped with any mechanism or device designed to alter or interfere with a traffic-control signal; prohibiting the use by certain persons of any mechanism or device designed to alter or interfere with a traffic-control signal; providing for an increased penalty in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 349—AN ACT making an appropriation to the Interim Finance Committee for allocation to the State Engineer for development and implementation of improvements in information technology and administrative capabilities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parnell, Leslie, Smith, Parks, Anderson, Buckley, Gerhardt, Giunchigliani, Hardy, Kirkpatrick, Mabey, and Pierce:

Assembly Bill No. 350—AN ACT relating to public welfare; requiring the Division of Health Care Financing and Policy of the Department of Human Resources to provide medical assistance pursuant to a program established by the Department to each person with a disability who is employed and who satisfies certain eligibility requirements; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 351—AN ACT relating to parks; requiring the adoption of certain regulations concerning the display and sale of art in state, county and municipal parks, recreational and cultural facilities; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 352—AN ACT relating to impact fees; allowing a portion of an impact fee collected for a park project to be expended to pay for services of police and fire protection under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 353—AN ACT relating to health care; requiring hospitals to submit to the Director of the Department of Human Resources certain information concerning their charges, their provision of discounted services to or reduction of charges for persons without health insurance and their collection of unpaid charges; increasing the amount by which certain hospitals are required to reduce or discount the total billed charges for hospital services provided to certain uninsured patients, and to reduce or discount the total billed charges of their outpatient pharmacies to patients who are eligible for Medicare; requiring certain hospitals to reduce or discount such charges for services provided to outpatients; requiring certain hospitals to provide to persons receiving services certain information concerning the duty of those hospitals to reduce billed charges for certain patients and services; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Leslie (by request):

Assembly Bill No. 354—AN ACT relating to taxation; providing for certain veterans and surviving spouses to apply their property tax exemption to more than one property under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Giunchigliani (by request):

Assembly Bill No. 355—AN ACT relating to housing authorities; providing that persons who receive adverse final decisions from a housing authority under certain circumstances are entitled to seek judicial review of such decisions; establishing certain procedures and standards for judicial review of such decisions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 356—AN ACT relating to contractors; prohibiting certain provisions in a public works contract or an agreement for a work of improvement; providing certain rights to a contractor or subcontractor who performs additional work under a public works contract or an agreement for a work of improvement; revising the provisions relating to the requirements for a release or waiver of a right that is required to receive a progress payment or retainage payment pursuant to a public works contract or an agreement for a work of improvement; limiting the retention amount that may be withheld pursuant to an agreement for a work of improvement; revising the provisions governing the rights and duties of owners, contractors and subcontractors if amounts due are unpaid or the required notice of a withholding is not given; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Allen, Sibley and Hardy (by request):

Assembly Bill No. 357—AN ACT relating to gaming; making the provisions that it is unlawful to manufacture, sell or distribute gaming devices without a license applicable to associated equipment; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 358—AN ACT relating to law enforcement; requiring an internal investigation of a peace officer to be suspended until an investigation which concerns alleged criminal activity is completed; changing the classification of certain peace officers from category II to

category I for the purpose of receiving training required by the Peace Officers' Standards and Training Commission; eliminating certain limitations on the powers of a peace officer for certain positions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kirkpatrick (by request):

Assembly Bill No. 359—AN ACT relating to juvenile justice; authorizing a juvenile court to impose certain penalties on a child who disobeys the terms of certain orders of disposition made by the juvenile court; authorizing a juvenile court to impose certain penalties on a child who violates a term or condition of his parole from a state facility for the detention of children; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 360—AN ACT relating to permanent cosmetics; providing for the regulation and licensing of permanent cosmetics technicians by the Health Division of the Department of Human Resources; making it unlawful to practice permanent cosmetics without a license; providing a fee for the issuance and renewal of such a license; requiring the Health Division to adopt certain regulations relating to the licensing of permanent cosmetics technicians; providing penalties; 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 Assemblyman Holcomb:

Assembly Bill No. 361—AN ACT relating to state financial administration; requiring each state agency to adopt a program to improve the efficiency of the state agency or the service provided by the state agency, or both; requiring a state agency to adopt a program to allow the state agency to retain a portion of its unexpended budget that is identified as savings under certain circumstances; authorizing the use of that portion of the savings for training of employees and equipment purchases; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Allen and Carpenter (by request):

Assembly Bill No. 362—AN ACT relating to concealed firearms; providing that the Department of Public Safety shall enter into reciprocal agreements with certain other states regarding permits to carry a concealed firearm; providing that a person issued a permit to carry a concealed firearm in another state may carry a concealed firearm in this State under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 358 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 358 be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Buckley moved that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, March 22, 2005, the Nevada Assembly once again embraces its rich heritage and storied past by holding a floor session in its former Chambers in the historic State Capitol Building, the second since the 55th Regular Session of the Legislature adjourned *sine die* over 35 years ago, on April 24, 1969; and

WHEREAS, The earliest sessions of Nevada's Territorial and State Legislatures, from 1861 through 1869, were conducted in Carson City in either hotels or the original Ormsby County Courthouse, which led Assemblyman John S. Mayhugh, of Aurora in Esmeralda County, to introduce legislation providing for the erection of a State Capitol Building, which was passed after waves of legislative protest and signed into law on February 23, 1869; and

WHEREAS, The Capitol Building in Carson City served as the home of the Nevada State Legislature for nearly 100 years and 51 regular sessions, from the 5th Regular Session in 1871 through the 55th Regular Session in 1969; and

WHEREAS, A century of change and challenge in Nevada was addressed in these Chambers every two years (including one annual session in 1960), during which time the State's population experienced sharp increases and decreases depending on the fortunes of mining and the price of minerals, ranging from a total state population of just over 42,000 in both 1870 and 1900, to 488,738 in 1970; and

WHEREAS, The number of Assembly members in these Chambers, which was originally called the Assembly Hall, ranged from a high of 53 in the sessions of 1913 and 1915, to a low of 30 members in the sessions of 1893 through 1899; and

WHEREAS, Women first graced these Chambers as elected members when Mrs. Sadie D. Hurst was elected to the Assembly from Washoe County in 1918 and served during the 1919 Session with distinction; and

WHEREAS, As the 1969 Session neared its end, the Speaker of the Assembly noted that, despite the excellent design, quality of building materials, and stately beauty of the Capitol Building, the State and its legislative requirements had outgrown the Assembly and Senate

Chambers that had served so well; and

WHEREAS, It was with feelings of gratitude and respect for the past and hopes for the future that Assembly Speaker Howard F. McKissick, Jr., a native Nevadan and distinguished attorney from Reno, bid farewell to these Chambers on the last night of the 55th Legislative Session, on April 24, 1969, by stating, “Let us then hold fast to the memory of those who went before us and, grateful that we have had an opportunity to participate in events that have taken place here, let us go forward with confidence to our new duties in our new Assembly chamber in the soon-to-be completed Legislative Building. . . (and) let us take with us the same pioneer spirit of all the Assemblymen of the State of Nevada who have helped shape our destiny, the willingness to enforce what is just, and the courage to change what is wrong”; now, therefore, be it

PROCLAIMED, That the members of the Nevada State Assembly of the 73rd Session look back with deep pride and appreciation on the hard work, courage, and vision of all those men and women who served the people of the State of Nevada as members of the Nevada Assembly in the Capitol Building; and be it further

PROCLAIMED, That Nevada’s rich political history and heritage must be treasured, preserved, and brought back to life periodically through celebrations such as today’s historic floor session in the former Chambers of the Nevada Assembly in the State Capitol Building.

Dated this Twenty-Second Day of March, 2005

Richard D. Perkins,
Speaker of the Assembly

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

NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you, Mr. Speaker, for your kindness in having me back for an encore performance. Before I begin my presentation, I want to respectfully acknowledge one of my former teachers in Las Vegas and now a freshman member of your august Body, Harvey Munford. Mr. Munford did so much for the students at Clark High School in promoting harmonious human relations in the midst of great racial tension and violence in 1969 and 1970. My younger sister, Victoria, and I were very fortunate to have Mr. Munford touch our lives, and now he and I have reconnected after almost 36 years. His constituents and the people of Nevada, I suggest, are equally as fortunate.

For those of you who weren’t here two years ago, I regaled the body with the story of how a law was passed in 1895 to prohibit the sale, gift, or disposal of liquor in the State Capitol Bldg. Reformers were finally able to ban the alcohol concession know as “The Well;” halt the prodigious amount of alcohol consumption while legislating; and presumably enhance the quality of the legislation.

I was asked many times at the end of the 2003 regular session if the session was the most contentious, mean-spirited, rancorous legislative session in Nevada history. My answer was that it was among the worst in that regard, but not necessarily the worst; perhaps the worst in the modern era.

I thought of the 1899 session when a U.S. Senator, William M. Stewart, vying for the votes of legislators--when legislators picked our U.S. Senators--had hired notorious gunmen as body guards. One bodyguard, Dave Neagle, had been acquitted in the 1889 shooting death of former California Supreme Court Chief Justice David S. Terry as the bodyguard of U.S. Supreme Court Justice Stephen J. Field.

In addition, charges of bribery and other improper manipulations were made on both sides. A missing Assemblyman, the Sergeant-at-Arms failed to find him although he had been present in the morning session, swung the election to Stewart in a key Assembly vote.

However, the colorful story I share with you today takes us back to this very chamber in the final day, March 4, of the 1875 session. Arguably, this legislative day may have the dubious distinction of the being the worst legislative day in Nevada history:

Territorial Enterprise/Saturday, March 6 1875: The afternoon and evening sessions of the Assembly, last Thursday, were in some respects the most disgraceful that ever occurred in a deliberative body. While the roll was being called on the Appropriations bill, the list was twice snatched from the hands of the Clerk, and it was only after a few resolute members had volunteered to protect that officer that the call was finished and the result declared. One of them ([Douglas County Republican Assemblymember Henry] Van Sickle), who years ago brought the very worst of Nevada's desperados to a final reckoning through the agency of a double barreled shotgun, took his place beside the Clerk, and quietly announced that he would kill in his tracks the first man who attempted to interfere with the proceedings of the Assembly. This intimation from a man who had "seen service," was more potent than the Speaker's gavel, and for some time comparative peace prevailed in the House. This was in the afternoon. In the evening a regular saturnalia was inaugurated, which could be suppressed neither by the menace of Van Sickle nor the vehement protests of the Speaker. Some of the members smiled at the rulings of the presiding officer and his efforts to preserve the peace, and in questions of privilege requested that gentleman step into the lobby and in a rough and tumble fight settle certain contested questions of parliamentary usage. The irate Speaker [Republican W.C. Dovey of Lyon County], physically unable to maintain his rulings in the manner suggested, communicated the information, in as quiet a manner as possible, that were the desk of the presiding officer supplied with a couple of Spencer rifles, he would reduce the names of the roll-call fifty percent in five minutes, and that the only embarrassment in the House during the brief remainder of the session would be in removing the dead. But the rifles were not at hand, and for the next five or six hours the time of the Speaker was pretty equally divided in gesticulating wildly with the gavel and dodging inkstands. During the evening the members found entertainment in throwing books at each others' heads, and requesting opponents to step into the street and exchange shots. One member, after first requesting the Speaker, who had called him to order, to "take a walk," expressed a willingness to fight the entire body, and at the same time brushed aside the skirts of his coat and disclosed the handle of a revolver and what seemed to be a tomahawk or butcher's cleaver. A shower of books greeted the belligerent representative, and he subsided through sheer inability to determine the first point of assault. Finding that the session was to be closed in this manner, most of the members had provided themselves with extra supplies of books, ink-stands, and mucilage pots, and for some hours any one rising to his feet and attempting to make a motion was incontinently knocked down, or compelled to seek protection from a merciless general assault by crawling under his desk. Finally, the outsiders took a hand in the sport, and to the projectiles were added stove-wood and spittoons. But all that transpired in this line was not the result of overflowing good-humor. Blows were exchanged in some instances with venom. [Lincoln County Republican Assemblymember J.B.] Van Hagan, in reply to some remark, hurled a copy of the compiled laws of Nevada at the head of [Roop and Washoe counties Democratic Assemblymember H.H.] Hogan. As the volume opened in its flight, Hogan was not knocked down. The latter started for his assailant but a hand-to-hand fight was prevented by some lady in the lobby. About 11 o'clock a wood-chopper from the head of Clear Creek dropped into the Chamber, and believing that a free fight was about to be inaugurated, offered a bystander a month's wages if he would turn off

the lights and give him a five minutes discussion with the members with an ax. At one time it was proposed to raise an alarm of fire, and wash out the chamber with a stream from a fire steamer; but better counsel prevailed, and the members were allowed to “fight it out on that line.” It is marvelous that some of them were not killed, for behind the apparent levity which kept the air full of books and ink-stands, was a feeling of rancor which suggested pistols and bowie-knives. As described to us by half-a-dozen witnesses, the scene was the most disgraceful ever enacted within a legislative chamber, and when the minute for adjournment came, the Speaker descended from his stand with an undisguised look of thankfulness that his life had been spared. The closing scenes in the Senate were less turbulent, yet the proceedings were characterized by a sullen discourtesy on the part of many of the members which we hope may never again be observed in a Nevada Legislature. Had the [Lt. and] acting Governor [Jewett W. Adams] appeared during the evening in the Assembly, the chances are that he would have been thrown out of a window. Those who witnessed the scenes in the Assembly say that they were indescribable; and here, in respect to the people of Nevada, we will let the curtain drop on the seventh session of the Nevada Legislature.

And that is the rest of the story. So, in closing, just remember, it wasn't all that bad in the 2003 Legislative Session.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I have some dignitaries I would like to introduce from the rostrum, as well. I would also like to change seats with Speaker pro Tempore so she can round out our session today. With us over here are many folks that have actually served in these Chambers. We have the Honorable Louis J. Capurro, Jr., the Honorable Randy Capurro, the Honorable Harold Jacobson, the Honorable Lawrence E. Jacobson, Jake it is good to see you, the Honorable Coe Swobe, glad you could make it down, the Honorable Art Valentine, Justice Mark Gibbons, Theresa Moiola, representing Controller Augustine, and last by not least, Governor Guinn, amongst our ranks. You are the only one who is still active, in spite what the RJ says about you.

I would like to thank Mr. Rocha as well. He has always made history very entertaining and provided those little pieces of information for us that really kind of bring us together.

We put this session in the old Chambers together last session for the first time because I thought it was important for all of us to understand where we came from. There was a whole number of people that came before us. We are only caretakers of the seats we now hold and we have a great responsibility to the citizens of this state as we sit here and deliberate the business that will affect all of us.

I want to also thank the staff. This is no small undertaking to move our operation over here with the recording information. They are going to spend a great deal of time cleaning up what we just did today when they get back and make sure everything is entered properly in the computers, the sound system, and the like. If you were here just a few days ago you would have seen this was just basically an empty room. They have really kind of put this together for us.

The traditional desks that are sitting mostly in the front row, and the arrangement, when the Assembly met in these Chambers, they were not only your desks, but they were your offices. As you can tell there is not a lot of additional space in this Capitol Building. The work and meetings you had with your constituents happened right here at your desk. We are quite spoiled in the digs that we have now and the ability where we are able to do the business of the people. I think bringing recognition to the process that came before us, even if it was a little raucous in the late 1800s, and even if the “Well” was named after the watering hole that existed back then.

I wanted to make sure that everybody had the opportunity to do this again this session. I know that a number of your have guests you would like to introduce. We have microphones, one at the Minority Leader's desk, one at the Majority Leader's desk, and one at both ends. If you have a

guest you would like to introduce I need you to come forward to a microphone and the Chair will recognize you.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. First I would like to thank the Speaker for convening this effort. I think it is so much different to think back on how things happened before technology, before our time. Just on a bit of a contested vote, seeing the differences between not having a board, not having a display. It is quite interesting and quite different to see how well we have it today compared to how our predecessors operated. I would also like to thank the Speaker, this is the first time a woman has acted as Speaker in these Chambers. Last session it was noted that I was the first female Majority Leader to ever speak in these Chambers, and now we have another record by having our colleague, Speaker pro Tempore up there at the front, and it is great to see you up there.

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

Thank you very much. I didn't even have to use my stool. Thank you, I am in good company. I appreciate the Speaker giving me this opportunity, but you as well, and all the men and women in this room. It is an honor, a privilege to be here and I think, too often, we get stuck in our little halls and we remember we are public servants, but unfortunately, with the press of everything we don't always get to acknowledge that. I want to thank you for giving me the opportunity as well.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Rick L. Collins.

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Beers.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Reed Christensen and Cole Christensen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Barber and Torrey Barber.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Carrell, Desiree Ivkovich, Bryanna Raue, Christi Holland, Becky Costanzo, Cory Costanzo, Amanda Staten, Catherine Wiemers, Sommerly Simser, Angela Farrell, Jamie Farrell, Stephanie Hetrick, Rachel Diehl, Ashley Smith, Cindy Autry, Byron Autry, Laura Autry, Sarah Kirkpatrick, Tara Kirkpatrick, Jimmie Knight, Jacqueline Knight, Marlene Elliott, and Lisa Elliott.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Morrison and Joe Bushek.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Arellanes and Nancy Haywood.

Assemblyman Ocegüera moved that the Assembly adjourn until Wednesday, March 23, 2005 at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:52 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

L