

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 5, 2005

Senate called to order at 11:16 a.m.

President pro Tempore Amodei presiding.

Roll called.

All present except Senator Schneider, who was excused.

Prayer by the Chaplain, Pastor Marvin Dennis.

Heavenly Father, You have invited us to, "Call upon You."

On this National Day of Prayer, I ask You to help us to incorporate prayer as a daily part of our lives.

You have said "Blessed is the nation whose God is the Lord." Please encourage each Senator as they work hard to serve this great State of Nevada.

In Jesus' Name,

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President pro Tempore and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Human Resources and Education, to which was referred Assembly Bill No. 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 215, 219, 232, 278, 468, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Concurrent Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 4, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 40.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 3, 29.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

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

Perkins, Allen, Anderson, Angle, Arberry Jr., Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith and Weber:

Senate Concurrent Resolution No. 30—Memorializing former First Lady Carolyn O'Callaghan.

WHEREAS, Fulfilling the demands and expectations placed on the First Lady of Nevada is a uniquely challenging responsibility; and

WHEREAS, Carolyn Randall O'Callaghan quietly and graciously took charge of the role with the greatest dignity, serving Nevadans in such a way as to evoke the admiration of everyone who knew her, as well as those who will imitate her as a model and guidepost in the future; and

WHEREAS, Carolyn Randall, the daughter of Claude and Marjorie Randall, was born on December 15, 1935, in Twin Falls, Idaho, where she spent many happy childhood hours playing in the greenhouses behind her family's flower shop, and is remembered as a nature lover and a tomboy who enjoyed riding stick horses in the fields; and

WHEREAS, In spite of her tomboyish propensities, this young lady early revealed her maternal instincts, as her sister Harriet recalls that Carolyn "on her own as a teenager took on the responsibility of looking after me" and "took me everywhere with her"; and

WHEREAS, Carolyn attended the University of Idaho in Moscow, where she met Mike O'Callaghan, and the two were married on August 25, 1954, and remained devoted to each other during the almost 50 years they were together; and

WHEREAS, In 1971, when Mike became Governor and Carolyn assumed her position as First Lady of Nevada, she set a standard for hospitality that is unequalled by maintaining the proper sophistication while truly making the Governor's Mansion the house of the people of Nevada, as seen in her custom of rising early each morning to serve coffee at the kitchen table and discuss the issues of the day with the mailman, milkman and whoever else might be passing by and in her joy of "spooking-up" the Mansion at Halloween and making hundreds of bags of popcorn to hand to trick-or-treaters; and

WHEREAS, One favorite story about this very special First Lady involves the time when the Governor received word that picketers from Las Vegas had gathered at the Governor's Mansion to protest his support of the motorcycle helmet law, but on arriving to evaluate the situation, he discovered only dozens of picket signs on the porch and lawn because Carolyn, explaining that those people had come all the way from Las Vegas and it was cold outside, had everyone in the kitchen being served coffee, hot chocolate and lunch; and

WHEREAS, In her private life, Carolyn was known for athletic ability that enabled her to win numerous bowling tournaments and pro-am golf championships, and as a person who could do anything she set her mind to, she even included the driving of school buses and moving vans as well as the building of an addition to the family home in her repertoire of skills; and

WHEREAS, In addition to athleticism, keen driving abilities and carpentry, Carolyn excelled as a guitar player, gourmet cook, crack shot and masterful angler who, in fact, just 3 weeks before her death, had taken several of her grandchildren on a fishing expedition to Lake Mead; and

WHEREAS, As a wife, Carolyn's love and support for her husband knew no limits, and even though she disagreed with him on many issues, she knew they thought alike regarding all the most important subjects including their children, their family and their home; and

WHEREAS, Her children remember Carolyn as a "class lady" and a mom who created a tight-knit family in a home filled with love, living intensely her belief that family came before politics; and

WHEREAS, Underneath all the external qualities making her such a remarkable woman, lay the vivaciousness and inner beauty that created the magnetic charisma of this First Lady whom friends remember as a generous benefactor completely consumed with doing good for others and as a mentor who taught them how to be better people; and

WHEREAS, Carolyn Randall O'Callaghan slipped away on August 7, 2004, only a few months after losing the love of her life, and those who knew her well find comfort in believing that she and Mike are together in a better place and that they did indeed celebrate that 50th wedding anniversary together; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature express their respect and admiration for Carolyn Randall O'Callaghan as a loving, compassionate, dedicated wife and mother who served the people of Nevada as their First Lady with the honor and dignity befitting that position, and they offer their sincerest condolences to Carolyn's beloved family and to the friends whose love and respect she earned through the quality of the life she lived; and be it further

RESOLVED, That Carolyn O'Callaghan will always be remembered fondly in the annals of great personages of the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Carolyn's treasures on Earth, her children Michael, Brian, Tim, Colleen and Teresa.

Senator Raggio moved the adoption of the resolution.

Resolution adopted.

Senator Raggio moved that all rules be suspended and that Senate Concurrent Resolution No. 30 be immediately transmitted to the Assembly.

Motion carried unanimously.

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry Jr., Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith and Weber:

Senate Concurrent Resolution No. 31—Memorializing former Governor Mike O'Callaghan.

WHEREAS, Tracing the journey of a son born in Lacrosse, Wisconsin, into a poor family that lost its farm during the Great Depression, to become the man who is one of the most prominent, beloved figures in the history of the State of Nevada encompasses a story of extreme courage and remarkable character; and

WHEREAS, The leading actor in that story, Donal Neil "Mike" O'Callaghan, affectionately known as "Big Mike," approached each role throughout his life in such a way that endeared him to all he knew, and his imprint will forever be stamped upon this State; and

WHEREAS, Former Governor Mike O'Callaghan grew up on his family's farm and helped earn a living by raising cows and selling cream until, at the age of 16, he joined the Marine Corps and served in the U.S. Pacific Fleet as an anti-aircraft gunner, earning the rank of sergeant, and after his discharge in 1948, served in the Marine Corps Reserves until 1950; and

WHEREAS, As a young man, the former Governor was employed as an ironworker and participated in amateur boxing until he continued his military service by joining the Air Force as an intelligence officer, but because he wanted to see action, he transferred to the Army as an infantryman in 1952 and served in the Korean War, during which he lost the lower half of one leg after courageously rescuing soldiers who were cut off from the trenches by enemy action; and

WHEREAS, Following his military service, Mike graduated from the University of Idaho in Moscow, where he not only earned a master's degree and graduated in the top 10 of his class, but also won the heart of Carolyn Randall, and the two were married on August 25, 1954, and

dedicated themselves to each other and their children during their marriage of almost 50 years; and

WHEREAS, Heeding his new wife's advice, Mike chose to accept a job as a teacher at Basic High School in Henderson, rather than a position as a principal in Idaho, and the family moved to Nevada in 1956; and

WHEREAS, Upon completion of 5 years of teaching, Mike continued his public service in municipal, state and federal positions from 1961 to 1969; and

WHEREAS, O'Callaghan was elected Governor of the State of Nevada in 1970 after waging a campaign in which he sought to get in touch literally with the "average man on the street" by greeting motorists on the corners of busy intersections in Las Vegas during blistering heat; and

WHEREAS, As Governor of this State for two terms, O'Callaghan continually fought for the "little man" and accomplished his goal of creating a government that was responsive to the needs of its people by promoting the welfare of disadvantaged children and the mentally ill, creating new agencies to assist senior citizens, consumers and the poor, actively working to preserve the beauty of Lake Tahoe, ensuring affordable housing for all, providing assistance to workers injured on the job and advocating for prison reform, rights for women and laws requiring motorcycle helmets; and

WHEREAS, There is little doubt that he could have won a third term as Governor, but instead he accepted an executive position with the *Las Vegas Sun*, where he became a popular columnist and an important voice in Nevada, and as Executive Editor, he acted as the conscience of the newspaper; and

WHEREAS, For his extraordinary courage, he was awarded multiple military medals, and a few of the other honors he attained include membership in the Hall of Fame at the University of Idaho, an award from the Nevada Judges Association, the selection by *Time Magazine* in 1974 as one of 200 promising young Americans, induction into the Nevada Newspaper Hall of Fame, the David L. Simon Bridge Builder for Peace Award and the honor of being nominated shortly before his death to serve on the federal Veterans' Disability Benefits Commission; and

WHEREAS, Outside of the public eye, Mike O'Callaghan conducted himself with honor and compassion, never bringing attention to his quiet acts such as arriving early in the morning at homeless shelters to serve coffee and doughnuts to the poorest of the poor and frequently visiting hospitals to encourage recent amputees; and

WHEREAS, His devotion to the youth of this State inspired the lives of innumerable young people as he actively and ardently supported children in sports throughout his life, took time as Governor to change lives of juvenile offenders by being instrumental in the building of China Spring Youth Camp in Douglas County and Spring Mountain Youth Camp in Las Vegas, and performed random acts of generosity such as graciously hosting, impromptu, in the Governor's Office, a basketball team of underprivileged boys from Hawthorne when they came to play in Carson City; and

WHEREAS, Possibly the most predominant thread intertwining the eulogies offered for former Governor Mike O'Callaghan was the mention that he never succumbed to developing an ego that could so easily have accompanied the prominence he attained, but continually dedicated himself to the service of others in every aspect of his daily life; and

WHEREAS, By the end of his journey, Mike O'Callaghan had become the epitome of the words of the novelist James Michener, who penned fictional sagas that can only rival the real-life story of this great man, a life "decently led and work well done"; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature express their admiration, respect and veneration for Donal Neil "Mike" O'Callaghan and empathize with the members of his family and all those who feel an emptiness as the result of his loss; and be it further

RESOLVED, That former Governor Mike O'Callaghan will never be forgotten by the people of the State of Nevada, and when he is remembered, the memories will be of a man who proved himself to be an icon to which all can aspire; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Mike's beloved children, Michael O'Callaghan, Colleen O'Callaghan-Miele, Teresa Duke, Brian O'Callaghan and Tim O'Callaghan.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio, Titus, Wiener, Cegavske, Coffin and Hardy.

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

SENATOR RAGGIO:

Thank you, Mr. President pro Tempore. It is appropriate that we recognize these two people honored today, former Governor Mike O'Callaghan and former First Lady Carolyn O'Callaghan. They were a team throughout their life together. We pause to recognize the loss of two people so important to the history of this State. The people of this State felt a great loss when they died within months of each other. Everyone in the Senate has had some personal contact with the O'Callaghans.

I first came to know them in 1970. My friendship with them goes back 35 years. We were from different parties. He was an ardent Democrat, and I was an ardent Republican. Over the years, we mellowed and we enjoyed a mutual respect for each other. We developed a friendship and a relationship I cherished. When we speak of the Governor and Mrs. O'Callaghan, you will note that each of these resolutions is lengthy. In looking over all of the accolades and accomplishments, it was difficult to confine them to four pages each.

Governor O'Callaghan had at least four or five careers, each of which was distinguished. In the military, he served in two branches during two conflicts. He lost part of a limb and was a hero. He was, also, a teacher. Throughout this State, many young people benefited from his tutelage. He was a mentor to many. Whenever we were out together, former students always came up to him to thank him for all that he had done for them as a teacher.

He was a politician, but there are levels of politics. He could be a fierce opponent. He never ran away from a fight or a confrontation. Sometimes, he raised his voice. He probably did so at home. You always knew where Governor O'Callaghan stood. As a Legislator, I served with him during his administration and was impressed, as were others, by many things. Whenever he had an idea that involved something in the Legislature, he would place a telephone call. He did not keep regular hours. He would call at 5 a.m. or at 11 p.m. He felt if he was awake and thinking about the issue, then, you should be awake and thinking about it too.

Before Governor O'Callaghan, Legislators had never seen a Governor in the building unless it was for the State of the State speech. The Governors had always sent representatives to discuss their issues. It seemed beneath their dignity to come here themselves. This was not true for Governor O'Callaghan. He was here on a daily basis. He would be in the hall, in your face, or he would call you on any given issue. He set a trend, and now, we have the Governors here all of the time. He was a hands-on Governor. He was a champion for the little guy. He held his own. He was comfortable at all levels of society. He could argue vociferously to make certain wrongs were righted and that the right thing was done.

We were fortunate in those days. We did not have the financial crunch and the financial concerns we have today in the budget. We were able to go without tax or fee increases. I recall once when even the Republicans were willing to raise the gas tax, but he would not hear of it. Later, when he became a newspaper editor and he was pontificating about what we were not doing or that we were not raising taxes, I reminded him of the times he would not let us raise any taxes. He told me things were different.

All of us who dealt with him at any of these levels or during his last career as a publisher felt the warmth or the wrath of whatever his judgment was on an issue. He wrote good editorials. Sometimes, I would call to compliment him on them; sometimes, I would tell him otherwise.

Governor O'Callaghan always had his door open. He was the only newspaper editor or publisher I ever knew who when I dialed his number answered the telephone. You did not have to go through three secretaries to speak to him. He did not assume self-importance. Someone who is important does not have to tell you how important he is. He was down to earth, and he was a passionate supporter of issues in which he believed.

He was particularly passionate about the State of Israel. He wanted to aide their cause. The State of Nevada felt the loss of his passing and so did the State of Israel and the rest of our

Nation. Many times, he served as an observer monitoring elections in other countries. No one could have fitted more into a lifetime than he.

At every turn and for her own causes, our late First Lady, Carolyn, did the same thing. She marched to her own drums. They argued occasionally. I suspect Carolyn probably won each argument. She was a strong lady who brought a lot of class to the position of First Lady. Each of us who knew her knew if we could get her on our side on an issue, she did a little "pillow talk," and she helped a lot. No two people have left a larger legacy for the people of this State than former Governor O'Callaghan and First Lady Carolyn O'Callaghan. Their families can be justly proud. We are the beneficiaries of the sacrifices and the commitments made by both of these people.

Today, the Legislature does its very best to remember that. Too often, lives pass and they are forgotten. There are many memorials and recognitions for each of them. Hospitals, schools and a bridge have been named after them. We thank the O'Callaghan family for giving us these lovely, dedicated people who served our State so well.

SENATOR TITUS:

I rise to support this resolution with tears in my eyes but joy in my heart. Tears because of my profound sadness that Mike O'Callaghan is no longer physically with us, but joy from having known him and benefited from his guidance and kindness.

Several years ago, a Las Vegas newspaper ran a great series on "The First 100 of Nevada." Of course, Mike O'Callaghan was one of the featured 100. I recommend the article to all of you because it does an excellent job of capturing the essence of "The Popular Pugilist," a war hero and a rough-and-tumble politician who never retired into anonymity but instead continued to shape public opinion and policy through his newspaper column.

Over the years, I went to Governor O'Callaghan on many occasions for advice; sometimes, he called and gave it to me unsolicited. He never told me what to do, but his wise counsel always helped me to work out difficult decisions on my own.

Everyone in Democratic politics, and even many Republicans, knew you had to go kiss Mike's ring before jumping into a race. He consistently denied that his blessing would make any difference, but we all knew better.

My family has a long history with Governor O'Callaghan that transcends my political apprenticeship. "Iron Mike" was a student of my father-in-law, John Wright, in the history department at University of Nevada, Las Vegas, and he often came to the house to take exams at their kitchen table because he was working several jobs and had to miss the regularly scheduled class. Years later, my husband, Tom, worked for Mike during the summers when home from college. Mike was director of juvenile court services at that time, and Tom's job was driving boys "who'd been cutting up" to the facility in Elko. After Tom let a few escape in Tonopah and had to find and recapture them, Mike decided maybe Tom was not cut out for law enforcement.

Nevada began to "grow up" under the leadership of Governor O'Callaghan. The State and its citizens, from the most affluent to the least fortunate, will be forever indebted to him. His legacy can be seen and felt all around us everyday. It is truly a living legacy, which is the best kind of memorial and the most appropriate kind for a man like Mike O'Callaghan, who was larger than life. He was truly a man of the people, both loved and feared. As the aforementioned article concludes, "Right hand ready for a handshake. The other ready for a left hook." That was Mike O'Callaghan. That is what everyone in public life should aspire to be.

SENATOR WIENER:

I also rise in support of both resolutions. When I began my five-year service on Senator Harry Reid's staff in Washington, D.C., as his press secretary, one of the hard-and-fast rules of the office for my department was if Mike O'Callaghan called with a question, he got the first call back. Often, Mike tested my journalistic expertise. He would grill me beyond the basic questions of journalism to make sure that I knew what I was sending back to Nevada, that I knew the story. He also wanted to ensure that his newspapers got it first. Senator Reid often smiled when I would come in and say, "Mike O'Callaghan is probably not going to be happy with this." Senator Reid would then smile and say, "Go to the phone because it is your story to sell to him." Mike made me a better journalist through the years, and I have been a journalist for more than 40 years.

I remember one particular time when Congressman Harry Reid gave me the challenge of organizing the Ambassador of Korea's visit to Southern Nevada. I had to learn much about the cultural differences on the fast track. I had just finished arranging another official trip for someone coming to Nevada, and this second visit came on the heels of the first one. I focused my attention on the protocols more than the scheduling issues involved with the ambassador's visit. The ambassador was scheduled to visit Mike O'Callaghan late on that windy day. We had kept the schedule very tight to make certain the ambassador and his family could get back to Washington, D.C., as planned. Unfortunately, something critical occurred in Washington, prompting the Ambassador to cut his one-day trip short. I was the scheduler and the driver for the ambassador. I needed to make a spontaneous plan to handle the changes. We had been at the Desert Inn Hotel in southern Nevada, and I thought we could save time by traveling on the freeway toward Nellis AFB. Early in the day, we were behind schedule for the Ambassador's arrival at Nellis. The Ambassador was expected for a "Red Flag" briefing by the commanding General at Nellis. We were still at the hotel when the Ambassador said, "I have something very important to do." I thought, "Please do not take much time." I did not verbalize my concern to him, but I was very concerned about keeping on schedule. He walked back into the hotel and returned to the vehicle with a package. He said, "Though my trip will be cut short, the most important of visits will not occur. I want to make sure you take care of this and do what I came here to do which is to thank Governor O'Callaghan for his service to his Country and to mankind. Make sure he gets this gift because he has given so much." That was the most touching statement he could have made to any person or group he met with that day. Indeed, I got the gift to Governor O'Callaghan.

I crossed paths with Carolyn O'Callaghan when she put her thumbprint on the Henderson Home News, and I was a journalist. I will tell a story about her that has been long in my heart. Not much time had elapsed between the deaths of Mike and Carolyn. The day of Carolyn's service, I received, in the mail, a handwritten thank-you card from her. She was thanking me for my thoughts on Mike's passing. I realized the irony of receiving that thank-you note on the same day as her service. This was yet another way Carolyn demonstrated her skill at finishing up her business. That was her style. She never left anything undone and always put her heart into everything she did.

I am so grateful to have been a little part of that family, especially having had the privilege of serving as their Senator for six years of my tenure. I want to thank all the O'Callaghans for carrying on the legacy we have all grown to love and appreciate.

SENATOR CEGAVSKE:

Thank you, Mr. President pro Tempore. I had the pleasure of meeting former Governor O'Callaghan through Sandy Thompson. We were on the adoption exchange board together and became good friends. As candidates, it was interesting to meet with Governor O'Callaghan for interviews and have him quiz you about different issues or political views. It was a pleasure to get to know him. Upon Sandy Thompson's death, the next time I talked to Governor O'Callaghan, he shared something with me that brought tears to my eyes. As the election was coming up, he said that Sandy had pointed her finger in his face and said, "You better be good to Barbara Cegavske. She is a good friend. She may be a Republican, but she is a good lady. Be good to her." I was appreciative that he shared that with me. He was always good to me.

As the Majority Leader stated, he was always available and ready to talk to you. He answered his own phone. I was impressed that he had no computer or typewriter and that he wrote everything out on paper. There is a picture in our Majority Leader's office. It is the Majority Leader and Governor O'Callaghan wearing fashionable plaid jackets. If any of you have not seen that look, please go into the Majority Leader's office and take a look, because it is worth a 1,000 words.

Governor Callaghan and I had some mutual friends, Peter and Yvonne Swords. Peter was an employee at one of the hotels and someone that Governor O'Callaghan had known for some time. Governor O'Callaghan came to Peter's small funeral gathering. I do not know if he ever knew how much that meant to Yvonne.

Over the years, the stories I have heard about Governor O'Callaghan and the ones I have been involved with tell of what a wonderful human being he was. I love hearing the stories and all the different things people have shared over the years from his youth till his death. I am sorry I never got to meet the First Lady Carolyn O'Callaghan but have heard wonderful things about her as well.

It was a great pleasure to get to know him and to meet him on several occasions. I wish it could have been more. I would like to thank his family for sharing him with the State of Nevada.

SENATOR COFFIN:

Thank you. It is good for us to share our personal experiences with our colleagues. Biographers will write about our colleagues, and they will dip into the newspaper clippings, then they will dig into the speeches where they will find things to write about great men and women like Mike O'Callaghan and Carolyn O'Callaghan. It is important to say things that have not been printed before.

When the Governor and I knew each other, we were not always the closest of friends in the Democratic Party during the late 1960s and early 1970s. Mike ran the party and ran the State exactly as he thought it should be run. I thought he did a good job. The party had disputes with him. Some of those disputes carried on into the 1980s. Those were difficult times for the Democrats. The Democrats were trying to figure out how to cope with an outstanding and winning president, President Ronald Reagan. The Governor and the President had many differences. One of the things they had in common, though, was the thought that the "little guy" needs help. What propelled Mike into his military service and kept him there even though he could have left at any given time was his care for the "little guy."

We grew closer in the 1980s as the Democratic Party and the rest of the Country were torn apart on the issue of the revolution in Nicaragua and the counter-revolution that followed. The Democratic Party was torn asunder on the issue. The Governor and I took a leading role in trying to assist the people who were fighting the Communists at that time. All of it was arguable because the people who the Communists had overthrown were not the greatest of folks themselves. The people of Nicaragua were maligned during this struggle. Mike and I traveled there frequently to help the people caught in the middle. He went 20 times, and I went 10 times. Not until the last trip did we see each other. He went to the malaria-infested jungles of northern Nicaragua near the Honduran border. I worked with the civilians in the cities and in some of the out-lying areas were labor union people, religious groups and small business organizations and others were in opposition to the Sandinista leadership. Mike was affiliated with the Carter Center. It was based in Georgia, started by former President Jimmy Carter. It was well known at that time for offering intervention services to help countries achieve national reconciliation.

Reconciliation is a big word internationally but not well known to us. Reconciliation means trying to help people reconcile their differences after having bloody revolutions based on racial, genetic or political grounds. The Carter Center members are masters at negotiating reconciliation. Mike O'Callaghan was one of the lightning rods for that organization. He would go in amongst people who were willing to kill each other. He would put himself between them. He brought peace to an area. Mike O'Callaghan gave everyone he visited the umbrella of protection. If there was trouble after an O'Callaghan visit, they would hear about it even in the left-wing countries. When we intervened in Nicaragua, it was not to conquer but to bring reconciliation between the warring parties. Mike and I both worked to the peaceful end of things.

The only time we came into contact with each other was at the time of the elections in 1990. It had finally come to the point where they could actually have an election. We visited for a few days before he left in a helicopter to go to the Indian areas where he had been asked to go to help keep suppression of the votes from occurring. I was asked to travel with some Polish Solidarity people and with some Hungarian Civic Action people. They had come to help monitor the elections. I had my own credentials as an independent observer. We went to the areas where the military had control. It was a long day, but when we got back to Managua, we got together again. The UNO was the opposition and was a combination of ten political parties and interest groups. It appeared they had won, but the Sandinistas were toying with the idea of overturning the election. Mike and the Carter Center people heard of their intentions. They told Jimmy Carter he had to be the person to save the country from catastrophe. Without him, they

would all be killed. It was through their influence, through Mike, that took Jimmy Carter to the Sandinistas residence, that of Daniel Ortega, at 2 a.m. where the nine commandants were meeting and convinced them they needed to honor the results of the election. There could be no national recognition in the future, no way for a lasting peace unless they accepted that recommendation. There was the strength of Mike O'Callaghan behind the mission. Two months later, we attended the inauguration of Violeta Chamorro.

We must remember Governor O'Callaghan for many things, but let us remember this chapter of his life. It was controversial. Sometimes we took much criticism in our party, we were a divided nation, but we took our chances, and Mike took more than I did. His efforts helped to bring peace to Nicaragua. It was not the end of conflict in the country, but it was the beginning of 15 years of democracy. It could not have happened without Mike O'Callaghan.

SENATOR HARDY:

It is my pleasure to rise in support of this resolution. I was pleased to hear my colleague from Clark District 8 had a pleasant experience because my first meeting with former Governor O'Callaghan was not quite that pleasant.

As a young senior at the University of Las Vegas, I decided it would be a good idea to seek office to the State Assembly. I filed for the race.

There was an issue that Governor O'Callaghan was advocating in favor of that year. I knew he felt strongly because he talked and wrote about the issue, and I knew I disagreed with him. I had an interview with his newspaper. I was about five years off my church mission and have always been a religious man. I spent a lot of time praying but never more than at that moment. I was praying he would not be at the interview. I was hoping that there would be someone else from the editorial board there rather than Governor O'Callaghan. I was 25 years old and scared to death. I never met the man, but his reputation preceded him.

Governor Callaghan, to my shock and fear, was at the interview; however, it went smoothly. Unfortunately, he was the only one there so there were no witnesses. I was scared to death. The interview went fine until the question of the hour was brought up. He asked where I stood on the issue. I told him how I felt about it, and for the next ten minutes, I was told why I was wrong. He said, he was certain I was a fine young man, but I did not know "crap from Crisco," if I recall the words correctly. He then gave me a chance to rebut which I did but against my better judgment. I stood back up and for five minutes told him why I thought he was wrong. He smiled at me and said he could see that he was not going to change my position, but he hoped I would have an open mind on the issue should I be elected to the Legislature. Then, he spent another ten minutes telling me how important it was that I stick to my guns, vote the way I believe and not to be influenced.

The numerous times I met him, after that meeting, he was always a gentleman. I reminded him from time to time of that first meeting and the lesson he had taught me. Governor O'Callaghan said, "If you are elected, stick by your guns and you will do well."

President pro Tempore Amodei requested that the following letter be entered in the Journal.

May 5, 2005

Dear Michael O'Callaghan and Family:

Regrettably, I am unable to preside over the Nevada State Senate for this important and meaningful tribute.

My friendship with Carolyn and Mike O'Callaghan dates back to my teenage years at Las Vegas High School. I recall my first impression of them as a devoted couple that frequently placed the needs of others before their own.

Governor Mike and First Lady Carolyn O'Callaghan proudly served Nevada with distinction and honor. I believe, along with many others, that no matter how high their stature rose throughout their lives, Mike and Carolyn never lost touch with the common citizen.

Their legacy will live on through their family and the numerous meaningful memories they left behind. The many wonderful contributions they made to the lives of so many Nevadans will long be remembered.

Sincerely,
LORRAINE T. HUNT
Lieutenant Governor

Resolution adopted.

Senator Raggio moved that all rules be suspended and that Senate Concurrent Resolution No. 31, be immediately transmitted to the Assembly.

Motion carried unanimously.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:10 p.m.

SENATE IN SESSION

At 12:12 p.m.

President pro Tempore Amodei presiding.

Quorum present.

By Senators Raggio and Titus:

Senate Resolution No. 8—Providing for the appointment of additional attaches for the Senate.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, That Barbara K. Evans and Lora Nay are elected as additional attachés of the Senate for the 73rd Session of the Nevada Legislature.

Senator Raggio moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 40.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 381.

Bill read second time and ordered to third reading.

Assembly Bill No. 436.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Hardy moved that Assembly Bill No. 420 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Hardy.

Motion carried.

Senator Horsford moved that Assembly Bill No. 22 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Horsford.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 101.

Bill read third time.

Roll call on Senate Bill No. 101:

YEAS—20.

NAYS—None.

EXCUSED—Schneider.

Senate Bill No. 101 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 104.

Bill read third time.

Roll call on Senate Bill No. 104:

YEAS—20.

NAYS—None.

EXCUSED—Schneider.

Senate Bill No. 104 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 131.

Bill read third time.

Remarks by Senators Carlton and Hardy.

Roll call on Senate Bill No. 131:

YEAS—18.

NAYS—Beers, Carlton—2.

EXCUSED—Schneider.

Senate Bill No. 131 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 20.

Bill read third time.

Roll call on Assembly Bill No. 20:

YEAS—20.

NAYS—None.

EXCUSED—Schneider.

Assembly Bill No. 20 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123.

Bill read third time.

Roll call on Assembly Bill No. 123:

YEAS—20.

NAYS—None.

EXCUSED—Schneider.

Assembly Bill No. 123 having received a constitutional majority,
Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 179.

Bill read third time.

Roll call on Assembly Bill No. 179:

YEAS—20.

NAYS—None.

EXCUSED—Schneider.

Assembly Bill No. 179 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 235.

Bill read third time.

Roll call on Assembly Bill No. 235:

YEAS—20.

NAYS—None.

EXCUSED—Schneider.

Assembly Bill No. 235 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 372.

Bill read third time.

Remarks by Senator Hardy.

Roll call on Assembly Bill No. 372:

YEAS—20.

NAYS—None.

EXCUSED—Schneider.

Assembly Bill No. 372 having received a two-thirds majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 177.

The following Assembly amendment was read:

Amendment No. 665.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 4, page 6, lines 15 and 16, by deleting: "the county clerk shall charge and collect a fee of ~~[\$5] \$15~~ from" and inserting: "~~the county clerk shall charge and collect a fee of \$5 from~~ a board of county commissioners may impose by ordinance a filing fee in an amount not to exceed \$15 to offset a portion of the costs of providing programs of arbitration and other alternative methods of resolving disputes on".

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 4.

Amend the title of the bill to read as follows:

"AN ACT relating to courts; providing that a client of a legal aid program which provides services to indigent persons may be allowed to proceed as an indigent litigant without submitting further proof of indigency to the court; increasing the maximum amount of certain fees that certain boards of county commissioners may impose for the filing of certain actions in district courts and justices' courts; providing that certain fees charged in connection with a civil action in a district court may be used to support programs for alternative methods of resolving disputes; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes related to fees charged in district courts. (BDR 2-522)".

Senator Care moved that the Senate concur in the Assembly amendment to Senate Bill No. 177.

Remarks by Senator Care.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Bills Nos. 294, 301, 413, 472; Senate Concurrent Resolutions Nos. 27, 28; Assembly Bills Nos. 16, 21, 28, 49, 157, 164, 166, 256, 368, 469.

REMARKS FROM THE FLOOR

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

Today is a day to remember the Holocaust. This morning at 10 a.m., Dr. Viktoria Hertling is giving a special presentation on the Holocaust at the Bureau of Land Management-Carson City Field Office. We should note the day of remembrance of the Holocaust. I watched a special presentation on Channel 5. It was black and white footage of the liberation of the Death Camps during WWII. The sights were horrifying. We know what happened then, and we share the horror of that time but seeing the films reminded us of the horror of the camps. The films

showed the thousands of bodies found by the Allied forces. Many people were near death and later died. The films showed man's inhumanity to man. Dr. Hertling is the founder and director of the Center for Holocaust, Genocide and Peace Studies at the University of Nevada, Reno. She is winner of the Thornton Peace Prize in 1997. She was born in Cologne, Germany. She received her Ph.D. from the University of Wisconsin, Madison. She taught at Kent State University and Mount Holyoke College before coming to the University of Nevada, Reno. She has produced three award-winning videos, one of which was nominated for an Emmy Award, is a prolific writer of books and articles and is a proud grandmother of five children.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Brian O'Callaghan, Sherry O'Callaghan, Brian Jay O'Callaghan Jr. and Carolyn O'Callaghan.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teachers from the Sandy Miller Elementary School: Crystal Anchonodo, James Bryant, Diva Carter, De'Ja Demby, Adam Falcon, Briggith Gutierrez, Asia Hester, Brandon Hubbs, Amabell Lankford, Jocelyn Limon, Alexis Marquez, Jacob Poffinbarger, Selena Romero, Keith Stanley, Cydne Stephenson, Madison Taylor, Karla Valdavinis, Catherine Yapjoco, Demetrius Yerger, Pamela Anne Lordova, Astou Diop, Vanessa Morales, Hye-Young Seok, Jonathan Ontiveros, Brandon Wade, Ford Wynes-Frigeri, Amber Johnson, Ni'Kayla Budd, Ronisha Whitty, Heaven Medlin, Jordan Hagan, Audrey Cordero, Tiarra Craney, Clarissa Pulotu, Joshua Loden, Jessica Trejo, H. Venerable, Hannah Phillips, Samantha Sunahara, Doranely Mejia, Ashton Varner, Keena Gondek, Kana Carter, Deyon Smith, Christopher Alesandrini, Isabel Chavez, Clarissa Crosby, Spencer Christensen, Chelbi Veron, Alejandro Nunez, Jordan Peters; chaperones and teachers: Della Morrow, Ethney Green, Steve Smith, Carla Christensen, Pamela Carter, Lara Phillips, Sharon Pearson, Sheila Hicks, Anne Grisham, Sandy Miller, Terry Nester, Deborah Aguirre, Jane Cooper, Rodney Yerger, Lorena Castro, Juan Castro, Kathy Vigino, Miles Wright, Beck Momodu, Mr. Sunn, Scott Baxter, Maggie Baxter, Ernest del Casal, Barbara Reynolds, Julie Stephenson, Valerie Carrera, Gracie Burton and Patti Lawless.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Mary Colleen O'Callaghan-Miele and Pearl Miller.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Mary Ann Randall and Brian Randall.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to Sister Marie McGloin.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Janie Newman Jackson and Michael O'Callaghan.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Donna O'Callaghan and Tim O'Callaghan.

Senator Raggio moved that the Senate adjourn until Friday, May 6, 2005, at 11 a.m. and that it do so in memory of all the victims of the Holocaust.

Motion carried.

Senate adjourned at 12:34 p.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate