

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 28, 2013

Senate called to order at 11:32 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Kochsmeier.

Our Father, *Barukh atah Adonai Eloheinu, melekh ha'olam*, which translates as “Blessed are You, Lord, our God, King of the Universe.” As we gather in the shadow of Passover and stand on the threshold of Good Friday, we praise You for the freedom to live in response to You as we hear Your voice.

Once more as this Body convenes, let each person hear Your voice and respond to the direction of Your Holy Spirit. Let no one be led by selfish ambition. Let this Body serve as one for the good of Your people. Let the goodness of Your mercy free each person to act out of gratitude for Your faithfulness. Let what happens here today reflect the gift of Your compassion.

In joyful response for having been chosen for these tasks, we come as Your servants and humbly ask the blessing of Your presence and leadership as we wait upon You this day. In Your holy Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 27, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 28, 43, 53, 192.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 28.

Senator Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 43.

Senator Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 53.

Senator Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 192.

Senator Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 117.

Bill read second time and ordered to third reading.

Senate Bill No. 233.

Bill read second time and ordered to third reading.

Senate Bill No. 285.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 15 of the 76th Session.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 9.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that the Senate recess until 4:45 p.m.

Motion carried.

Senate in recess at 11:58 a.m.

SENATE IN SESSION

At 5:02 p.m.

President Krolicki presiding.

Quorum present.

The Sergeant at Arms announced that Assemblywoman Benitez-Thompson and Assemblyman Hardy were at the bar of the Senate. Assemblywoman Benitez-Thompson invited the Senate to meet in Joint Session with the Assembly to hear Senator Dean Heller.

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

Senate in recess at 5:03 p.m.

IN JOINT SESSION

At 5:07 p.m.

President Krolicki 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 for Assemblyman Daly, who was excused.

The President appointed a Committee on Escort consisting of Senator Settelmeyer and Assemblyman Hickey to wait upon the Honorable Senator Dean Heller and escort him to the Assembly Chamber.

Senator Heller delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SEVENTH SESSION, 2013

Good evening. It is truly an honor to have this opportunity to address you tonight. I am mindful of the busy schedules each of you have, and I realize you are all working hard on the critical issues facing this State. It is not lost on me how tough some of the decisions were today; they are important and very difficult to make. I thank you for having me here this evening.

Governor Sandoval, Speaker Kirkpatrick, Lieutenant Governor Krolicki, thank you for having me here. Senate Majority Leader Denis, Assembly Majority Leader Horne, Senate Minority Leader Roberson and Assembly Minority Leader Hickey, thanks to you as well and all that are assembled in the Chamber this evening. To the Constitutional Officers and Members of the Court, I appreciate your attendance tonight, thank you for being here. My mom and dad are in the Chamber tonight too, and it is great to have my wife here, as well as my sister and her husband. Thank you very much for taking the time to be here.

It has been awhile since I have spoken to the Legislature, so I asked a few colleagues for some input on what to include, and how long to spend with my remarks. Senator Paul of Kentucky was kind enough to share his strategy, but I think 13 hours is a little too long. I went to Congressman Amodei since he was here on Monday and set the bar so high. He told me the key to an effective speech is to tell the same joke a couple of times the same way, and then sneak out the back door. But isn't that always Mark's advice? In any case, I will try to find some middle ground between the two approaches tonight.

But before I do that, I would like to take a moment to reflect on the tragedy that took the lives of seven Marines last week during a training exercise at the Hawthorne Army Depot. On Monday, I had the honor of visiting five Marines and a Sailor, who are currently being treated at

Renown Hospital. What I find most remarkable about these young men is their positive, upbeat attitudes and their tenacity for life. We owe these soldiers a great deal of respect.

I would also like to commend the professionalism and commitment from our first responders at Care Flight, the doctors and nurses at Renown, the Army Depot, Hawthorne, Southwest Airlines and all of the other entities who did an outstanding job attending to those who were injured. Thank you for supporting our servicemen and women.

I know that yesterday you all took time to honor a friend and mentor to many of us, former Senator Bill Raggio. Tonight, I also want to remember another friend who I, like many of you, deeply respect, and that is former Assemblyman John Marvel. No question, John was as much a statesman and a leader here in this Body as the esteemed Bill Raggio was in the Senate. Nevada lost great public servants with the passing of both of these men.

Coming back to Carson City is particularly special for me, not just because this is where I began my time in public office, but because I grew up here. I have made a lot of memories here in Carson City and this is familiar territory for me. This is where I began forming the philosophy that I bring to my role in public service. This is where I learned what it means to work hard, to play by the rules, and how one committed person can make a difference with perseverance and dedication.

I learned a lot of those values from my father, a mechanic, who owned and operated an automotive shop just across the street. I spent a lot of time at that garage as a kid working with my father, sweeping floors and fixing transmissions. I watched him wake up early and stay at the garage late. That's where I learned the values of hard work and responsibility. It's where I saw first-hand what it takes to run a small business, the sacrifice and discipline involved and sometimes the tough decisions that have to be made in order to succeed.

Many here have heard this story before. But I like to tell it because I think it is important for all of us to remember what brought us into public service. At a time when our State is still struggling, when our constituents are still feeling the effects of the economic downturn, we need to get back to the basics and focus on the reasons why we decided to serve. That perspective will help us identify opportunities for state and federal collaboration, in order for us to do the most good for those we represent. I would like to share some thoughts on that partnership with you this evening.

I believe there are three fundamental, basic functions and responsibilities of the federal government: provide for a strong defense and protect this Nation against all enemies; enable and encourage free-market commerce through infrastructure, roads, and bridges; and, provide a safety net for those who need it most. To me, these are the basics; these are the essential functions of the federal government. I believe when the government takes these responsibilities seriously, and takes responsible steps to make sure the job is getting done, the economy can thrive and Americans can be optimistic about the future.

The important question is not necessarily how much government we have, but rather how the government is operating. Regulations aren't all bad, but unreasonable regulations and red tape can be burdensome and will stifle growth. Not all taxes are bad, but over-taxation can be devastating. So it comes down to reasonable government, reasonable regulations and reasonable tax measures. That's the kind of governing that our Nation needs, and it's what Nevada needs.

My staff will tell you, because they hear me say this all the time; my approach to reasonable government is summed up in three words: more, higher, less.

When legislation hits my desk, I ask, "Will this bill provide more competition at a higher quality for less cost?" If the bill passes that basic test, then I'll be inclined to support it. If the federal government approached problems through this entrepreneurial perspective, we could have a more efficient and reasonable government at less cost to the taxpayers. And this is not just a Republican approach. It's a common-sense approach that we should all agree on.

Unfortunately, it seems at times as if Washington is the place where reasonable, common-sense ideas die, and where the basic functions of the government are sometimes put on the back burner, or even neglected.

For example, when I joined the U.S. Senate, I was told that I had to change the drapes, repaint and re-carpet the space in my office, even though it had already been done two weeks prior. I didn't care; it all looked fine to me. But I was told I had to, and all at taxpayers' expense. How

is the U.S. Senate supposed to help impose fiscal responsibility if the institution itself is wasting dollars? That's unreasonable, and there is a way we can fix it: audit the U.S. Senate.

Let's take a look at how the U.S. Senate budgets, where taxpayers' dollars are being spent. Let's examine ways to cut wasteful spending and streamline the current system. My office had to talk to four different departments simply to mount a television in my office and it took three months.

If that is an example of what is occurring across the institution, I feel sure there are ways to cut costs, just like Nevadans are doing with their own family budgets. After all, the House of Representatives found \$20 million in savings when it conducted an audit in 1995.

I know this is not an end-all solution to problems in the federal government, but it's a basic first step, and it's an idea that may cut costs and save money, and that makes sense for everyday Americans.

In order for Congress to do its part to help turn Nevada's economy around, Democrats and Republicans must work together. Washington has gotten in the habit of prioritizing their party above all else. And that will not work for Nevada. Members from both sides of the aisle must come together to get things done to help us here at home. That's one reason why I joined the nonpartisan group No Labels. We are a group of 50 to 60 lawmakers committed to getting things done. Whether it's a Democratic idea or a Republican idea, it shouldn't matter. Congress needs to adopt a No Labels attitude.

I'm proud of the fact that my family is a No Labels family. My son-in-law, Eddie Ableser, is a Democratic State Senator from Arizona. I don't hold it against him that he's an Arizonan, or that he's a Democrat. We're a No Labels family. I live in a No Labels city, from a No Labels State.

It doesn't make any sense to support or oppose legislation based on the party label it's wrapped in. The ongoing budget debate is a perfect example of how necessary it is for Democrats and Republicans to work together to find common ground and get the job done. And passing a budget is one of those basic, fundamental jobs the government cannot afford to ignore.

Earlier this year, Congress passed a version of my "No Budget, No Pay" legislation. This measure requires Members of Congress to pass a budget in order to receive their pay. It just makes sense; if, like all Americans, Members of Congress do not do their jobs, they should not get paid.

Of course the media made light of the proposal. Many called it a gimmick, and said it could never work. Even after Congress passed a version of "No Budget, No Pay" into law, and the President signed it, many were quick to pass judgment. But this year, for the first time in four years, both the House and the Senate have passed their own budgets and are working through the budget process. On the Senate side, this year marks the first time the Senate Majority introduced a long-term plan in four years.

The problem is that both of these proposals are highly partisan. With multiple budgets working through Congress, I had high hopes this would be an opportunity for a grand deal. Instead, these plans are getting caught up in the politics of the day. Rather than serving as productive tools for long-term solutions, they are being tarnished by partisan bickering and grandstanding.

I remain optimistic for that grand deal. And I continue to hope for leadership and common-sense cooperation from both parties, something that our constituents expect. Our nation is desperate for it; our Nation depends on it. The future of our children and grandchildren demand it.

"No Budget, No Pay" isn't the first time, by the way, that I have tried to hold Congress accountable for bad decisions. During the discussion on ObamaCare, I introduced legislation that required lawmakers to take part in the same healthcare exchanges that we were forcing on all Americans. That idea was adopted into law and now news reports are documenting that Members are extremely uneasy about the idea. That's how silly things have gotten in Washington D.C. Fighting a bill meant I had to threaten lawmakers with the consequences of their own legislation.

I believe we can find common ground for the good of the country. But unless Congress works together, there will not be agreement on important issues for Nevada, issues such as immigration reform. I am a proponent for legal immigration. I also recognize that our current system needs

reform. I am pleased that U.S. Senate Democrats and U.S. Senate Republicans have come together to draft a plan for a reasonable approach to immigration reform.

I support many of the principles included in this proposal, and look forward to reviewing specific details in the months ahead. Most importantly, this issue must not get lost in politics. Any immigration-reform legislation should be considered on the U.S. Senate floor, subject to regular order, and allow for amendments. This way, Washington can address this important problem transparently, solve it with input from both sides of the aisle, and move on.

Another important issue that requires both parties to work together is the current debate on gun control. Before I go any further, let me be very clear: I am a strong supporter of our Second Amendment rights. Nevadans have the right to bear arms, and regardless of what the commercials may say, I will not support legislation that jeopardizes that basic and fundamental right to bear arms.

At the same time, we must take care to keep guns out of the hands of felons and the mentally ill. We cannot turn a blind eye to the fact that mental illness, coupled with cultural violence, is a dangerous mix. Rather than limiting our access to guns, or nitpicking high-capacity magazine clips, Congress should take on a larger issue, Hollywood. If Washington is not talking about the violence in movies, on television and in video games, then what are we doing? If the conversation is only about guns, then this entire discussion is nothing but pure politics.

I know we can work together on these issues, in a reasonable and common-sense way, because there are several areas where Congress is already working together in ways that will help us right here at home.

I've mentioned some of the basic functions of our government, and another one of those basic responsibilities our government owes to its citizens, is to care for our heroes in uniform. I consider it a great privilege to serve Nevada in the 113th Congress on the Senate Veterans Affairs Committee. On that Committee, I am able to directly address the crisis of unemployment among veterans, which is one of the Committee's gravest concerns.

Here in Nevada, more than 13 percent of the veteran population is unemployed. That's compared to 9.7 percent of the general population. For post-9/11 veterans, 18 percent of our former military men and women are looking for jobs. There is a common-sense fix that will address this issue. Right now, veterans who have been trained in our military—the greatest military in the world—cannot use these skills as civilians.

For example, a service member who drives a truck in the Army for ten or twenty years can't just leave the service and get a job as a truck driver. Instead, he or she has to go through even more training to get the right certification. Combat medics are another example. These highly skilled professionals cannot get good-paying jobs in the civilian world. These are men and women who know how to re-inflate a lung, or care for traumatic injuries. But despite their valuable skills, these professionals cannot find a job. Instead, they must endure more tests, more training and more credentialing. That makes no sense. Shouldn't our military men and women be more valuable because of their service? That, to me, seems like a basic, fundamental concept.

I've co-sponsored legislation to address this problem. I look forward to continuing to push that specific bill in order to help Nevada's veterans. In the meantime, there is much more we can do to help.

For example, Nevada has a backlog of 10,000 veterans' claims. I'm hearing it takes up to one and a half to two years to file a single claim. Sometimes, veterans are receiving multiple apology letters from the VA before the claim is processed. I am committed to continuing to advocate for Nevada veterans on this specific issue.

I also believe it's my responsibility to ensure those who served this Nation receive excellent healthcare. News reports have indicated that TRICARE Prime will be cut for many military men and women and their families, especially those in Northern Nevada. I have written multiple letters to the Department of Defense on this issue and have spoken to Department of Veterans Affairs Secretary Shinseki, personally. We cannot allow our State's veterans to pay higher costs for less care, and I think both parties here today can agree on that issue.

Common sense should always lead the way, as I work with my colleagues in Washington D.C. to address exciting opportunities and challenging issues concerning our public lands.

Without a doubt, our biggest challenge right now is the threat of an Endangered Species Act listing for the sage grouse. If the bird is listed, it will jeopardize our way of life and our

economic recovery statewide. And, it would thwart investments in Nevada for some of our most important industries, including mining and renewable energy. Last week I led the U.S. Senate in passing an amendment reaffirming the importance of preventing a listing for the sage grouse and I am committed to working with the Governor, federal agencies and other stakeholders to protect our State.

We need to enact policies that will allow us to harness our vast natural resource potential in a responsible manner. That is why I support the development and deployment of renewable energy, as long as those policies will not put an undue burden on consumers.

One-hundred fifty years ago, President Abraham Lincoln gave one of the most famous speeches in American history. When he addressed those gathered on that Pennsylvania Battlefield, he reminded his listeners of the basic, fundamental promises for which their brothers-in-arms had fallen.

His words ring true today when he said: "It is for us, the living, to be dedicated to that unfinished work which they who fought here have so nobly advanced." That challenge is still compelling, and that work remains unfinished. While we all may not be members of the same political party, or share the same philosophy of government, we are all here to make a difference: to make our State and country better, to help complete that unfinished work President Lincoln spoke of, and to do what's right for those we represent from the great State of Nevada.

In these difficult times it's more important than ever that we work together, find common ground, and make the tough decisions required to create jobs and get people back to work. But let me assure you that helping Nevadans during this tough economic recession is a top priority for me, as I am sure it is for each of you.

And make no mistake, if we will remain dedicated to the great task that is before us, and if we remain focused on finding solutions for those we represent, we will forge a stronger and brighter future for our State and for this country, and we'll do it together.

Thank you very much for having me here tonight.

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

Motion carried.

The Committee on Escort escorted Senator Heller to the bar of the Assembly.

Senator Jones moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:35 p.m.

SENATE IN SESSION

At 5:41 p.m.

President Krolicki presiding.

Quorum present.

UNFINISHED BUSINESS SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Senate Bill No. 15.

REMARKS FROM THE FLOOR

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

SENATOR DENIS:

Thank you, Mr. President. I am pleased to announce that we have two distinguished Senators to induct into the 2013 Senate Hall of Fame and that the induction ceremony will take place here at 11:00 a.m. on Wednesday, April 17, 2013.

For the new members of the Senate, I want to explain that the Senate Hall of Fame was created by former Senator William J. "Bill" Raggio from Washoe County, who we honored yesterday with Senate Concurrent Resolution No. 6 and a desk dedication. Former Senator Raggio created this Senate institution to honor former Senators with a significant number of years of legislative service who served with distinction in leadership positions both within the Senate and outside the Legislature. Each Regular Session, these members are selected by the leadership of the Senate from recommendations made by the Legislative Counsel Bureau's Research Director, based on his historical research and analysis.

Former Senator James I. Gibson of Clark County was inducted as the first member of the Senate Hall of Fame in 1989. There are now a total of 37 members and 3 honorary members in the Senate Hall of Fame. Their photos can be found on the walls of the hallways near the entrance to the Chamber.

Today I am pleased to announce that the two inductees for 2013 are former Lieutenant Governor and Senator Sue Wagner, Republican of Washoe County, and former Senator Bernice Mathews, Democrat of Washoe County.

Former Senator Wagner had a total of 16 years of service as a Nevada Legislator, with 10 years in the Senate (1980 to 1990) and 6 years in the Assembly (1974 to 1980). In addition, she served as President of the Senate during her elected term of office as Lieutenant Governor (1991 to 1995). Former Senator Wagner served as Assistant Minority Leader in the Senate in the 1983 Regular Session and 1984 Special Session. A member of the Senate Committee on Judiciary during her entire Senate career, she Chaired that Committee during the 1987 and 1989 Regular Sessions, the first woman in that position.

The second inductee is former Senator Bernice Mathews of Washoe County. Several of us served in the Legislature with former Senator Mathews before she was termed out of office in November 2010. In 1994 former Senator Mathews, a resident of Washoe County, became the first female African American elected to the Nevada Senate. She served in the Senate for 16 years. Her first Session was the 1995 Regular Session, and her last was the 26th Special Session in February 2010. During the course of her Senate career, former Senator Mathews served as Assistant Minority Floor Leader in four Regular Sessions and six Special Sessions. A member of the Senate Committee on Finance her entire legislative career, she Co-chaired that Committee in 2009.

SENATOR FORD:

Thank you, Mr. President. I did not know my sons were here today; their mother dropped them off as she had to get to an appointment. They were in my office and, fortunately or unfortunately, they were watching the television and seeing the deliberations in the other House. It saddens me that they witnessed a piece of history that none of us wanted to participate in. Assemblyman Steven Brooks is my friend and my children know him. I ask that as we all, when we leave here today, please pray for Assemblyman Brooks and his family. Please keep them in heart and mind.

SENATOR DENIS:

Thank you Mr. President. We have witnessed history today. As my colleague from District 11 said, it is not history in which any of us wished to participate. But we have. Our hearts and our prayers go to our colleagues in the Assembly; this has not been an easy process for them.

I hope our prayers and hopes reach Assemblyman Steven Brooks, our colleague and someone who I consider a good friend. I hope he gets all the things he needs in his life.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to students and teachers from Mamie

Towles Elementary School, students: Chris Alis, Alexis Almond, Eli Amptman, Brianna Apolinar, Ivette Apolinar, Isiah Brown, Israel Carrillo, Kayla Castillo, Stacia Conely, Adrianna Cortez, Ali Crudo, Austin Currie, Emely Eligio-Gonzalez, Layla Fox, Malina Frank, Ashely Gomez, Jada Gomez, Ashlene Gosal; Darian Grammer, Steven Hart, Dylan Jackson, Austin Kennedy, Kayla Kominsky, Vivian Lin, Isabel Majano, Jeremy Mamaril, Doug Martin, Gabby Martucci, Aiden Meeks, Hailey Melrose, Spencer Mojica, Taylor Moniz, Candice Montero, Malachi N'Dolo-Terry, Austin Niedfeldt, Kelly Ortiz, Cory Paden, Celeste Parker, Clark Porter, Jema Quintero, Anjali Riedel, Daisy Sandoval, Miranda Santana, Sharar Shahed, Christopher Stocking, Abby Thomas, Jason Trujillo-Betancourt, Lauren Victors, Sandra Villanueva-Chavez, Amber Wadleigh, Michael Wallace, Thomas Walsh, Ethan White and teachers: Mr. Horton and Mrs. Lund.

On request of Senator Ford, the privilege of the Floor of the Senate Chamber for this day was extended to Alexander Ford and Aaron “The Deuce” Ford II.

On request of Senator Hammond, the privilege of the Floor of the Senate Chamber for this day was extended to Joe Anderson and Tomas Hammond.

On request of Senator Hutchison, the privilege of the Floor of the Senate Chamber for this day was extended to Robert Hollowood and Ryan Korn.

On request of Senator Jones, the privilege of the Floor of the Senate Chamber for this day was extended to Jeffrey Curwen and Mark Randazza.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to students from Silver State High School: Elaine Jones, Lauren Kreck, Bracee Langevin, Steven Schofield and Blaine Spires.

On request of Senator Woodhouse, the privilege of the Floor of the Senate Chamber for this day was extended to Sawyer Pearson and Sharon Pearson.

Senator Denis moved that the Senate adjourn until Monday, April 1, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:42 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate