

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 21, 2007

Assembly called to order at 10:46 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Father of lights, You are light and in You there is no darkness. Cast Your light upon the issues facing these lawmakers today. Grant these servants of Yours clarity of vision, understanding and wisdom in order for them to make good decisions that will benefit all the citizens of this great state of Nevada. I pray in the Name of the Light of the World.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera 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.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 21, 2007

THE HONORABLE BARBARA BUCKLEY, *Speaker*, Nevada Assembly, 401 South Carson Street,
Carson City, Nevada 89701-4747

DEAR SPEAKER BUCKLEY:

I am writing to you today to express my desire to address both houses of the Legislature during the 2007 legislative session. It appears that February 26, 2007, is available and I would enjoy the opportunity to share my views with the legislature on national issues and the challenges that confront us in the Congress. Many of these issues will affect Nevada citizens directly and the perspectives of the members of the Nevada Legislature are paramount to my decision making.

If you could let my staff know the details regarding my visit and address I would appreciate it. I look forward to your response. Please direct any communications to my District Director, Tod Story. He can be reached at 702-220-9823.

Sincerely,
SHELLEY BERKLEY
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 20, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 18, 34, 39, 44, 46.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hardy, Buckley, Ohrenschall, Horne, Gansert, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Goedhart, Goicoechea, Grady, Hogan, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber, and Womack; Senators Care, Heck, Cegavske, Hardy, Raggio, Beers, Coffin, Horsford, Lee, Mathews, McGinness, Nolan, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

7. *Except as otherwise provided in paragraphs (a) to (d), inclusive, the public uses for which private property may be taken do not include the direct or indirect transfer of any interest in the property to another private person or entity. A transfer of property taken by the exercise of eminent domain to another private person or entity is a public use in the following circumstances:*

(a) *The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including,*

without limitation, a utility, railroad, public transportation project, pipeline, road, bridge or public facility.

(b) *The entity that took the property leases the property to a private person or entity that occupies an incidental part of a public facility and, before leasing the property:*

(1) *Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of a public facility; and*

(2) *Provides the person from whom the property was taken with an opportunity to bid or propose on an equal basis with others.*

(c) *The entity:*

(1) *Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and*

(2) *Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.*

(d) *The entity that took the property transfers an interest in the property to a private person or entity in exchange for an interest in the property that was taken, or is being taken, by the exercise of eminent domain or under the threat of the exercise of eminent domain for the purpose of a road or highway, the relocation of public or private structures or to facilitate or avoid payment of excessive compensation or damages.*

8. *In all actions in eminent domain:*

(a) *Before the entity that is taking property obtains possession of the property, the entity shall give to the owner of the property a copy of all appraisals of the property obtained by the entity.*

(b) *At the occupancy hearing, the owner of the property that is the subject of the action is entitled, at the property owner's election, to a separate and distinct determination as to whether the property is being taken for a public use.*

(c) *The entity that is taking property has the burden of proving that the taking is for a public use.*

(d) *Except as otherwise provided in this paragraph, neither the entity that is taking property nor the owner of the property is liable for the attorney's fees of the other party. This paragraph does not apply in an inverse condemnation action if the owner of the property that is the subject of the action makes a request for attorney's fees from the other party to the action.*

9. *Except as otherwise provided in this subsection, if a court determines that a taking of property is for public use, the taken or damaged property must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If property is taken primarily for a profit-making purpose, the property must be valued at the use to which the entity that is taking the property intends to put the property, if such use results in a higher value for the property.*

10. *In all actions in eminent domain, fair market value is the highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the seller and the buyer had full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.*

11. *In all actions in eminent domain, just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken, excluding any governmental offsets except special benefits. Special benefits may only offset severance damages and may not offset the value for the property. Just compensation for the property taken by the exercise of eminent domain must include, without limitation, interest and reasonable costs and expenses incurred by the owner of the property that is the subject of the action. The district court shall determine, in a posttrial hearing, the award of interest and award as interest the amount of money which will put the person from whom the property is taken in as good a position monetarily as if the property had not been taken. The district court shall enter an order concerning:*

(a) *The date on which the computation of interest will commence;*

(b) The rate of interest to be used to compute the award of interest, which must not be less than the prime rate of interest plus 2 percent; and

(c) Whether the interest will be compounded annually.

12. Property taken by the exercise of eminent domain must be offered to and reverts to the person from whom the property was taken upon repayment of the original purchase price if, within 15 years after obtaining possession of the property, the entity that took the property:

(a) Fails to use the property for the public use for which the property was taken or for any public use reasonably related to the public use for which the property was taken; or

(b) Seeks to convey any right, title or interest in all or part of the property to any other person and the conveyance is not occurring pursuant to subsection 7.

The entity that has taken the property does not fail to use the property under paragraph (a) if the entity has begun active planning for or design of the public use, the assembling of land in furtherance of planning for or design of the public use or construction related to the public use.

13. If any provision of subsections 7 to 12, inclusive, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or application of subsections 7 to 12, inclusive, which can be given effect without the invalid provision or application, and to this end the provisions of subsections 7 to 12, inclusive, are declared to be severable.

14. The provisions of subsections 7 to 12, inclusive, apply to an action in eminent domain that is filed on or after January 1, 2011.

And be it further

RESOLVED, That Section 22 of Article 1 of the Nevada Constitution, commonly known as the “People’s Initiative to Stop the Taking of Our Land,” if that section is approved and ratified by the voters at the 2008 General Election, is hereby repealed.

Assemblyman Hardy moved that the resolution be referred to the Concurrent Committees on Judiciary and Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Womack, Manendo, McClain, Leslie, Anderson, Allen, Arberry, Atkinson, Beers, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Munford, Ocegüera, Ohrenscha, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, and Stewart; Senators Care, Titus, Nolan, Coffin, Heck, Lee, Rhoads, Wiener, and Woodhouse:

Assembly Bill No. 134—AN ACT relating to veterans; requiring the Executive Director for Veterans’ Services to prepare, maintain and make available for public inspection a register that includes the names of the veterans interred in each cemetery in this State; requiring the Executive Director to provide flags of the United States to certain persons and civic organizations for placement on the graves of veterans on certain holidays; requiring the Executive Director to provide a flag of the United States to each resident of a veterans’ home in this State to commemorate certain holidays; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Grady; Senators Amodei and McGinness:

Assembly Bill No. 135—AN ACT relating to the Stagecoach General Improvement District; authorizing the District to furnish sanitary facilities for sewerage; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 136—AN ACT relating to the administration of estates; providing for the recovery of reasonable fees and necessary expenses of the petitioner and the attorney for certain smaller estates; providing for the recovery of reasonable fees and necessary expenses of a public administrator who administers certain smaller estates; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegueda:

Assembly Bill No. 137—AN ACT relating to crimes; increasing the penalty for certain crimes concerning acts of terrorism; making it a crime to deliver a hoax substance that appears to be a weapon of mass destruction or appears to be certain dangerous substances; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 138—AN ACT relating to impact fees; expanding the purposes for which certain impact fees may be used; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 139—AN ACT relating to local governmental administration; providing for the disposition of excess payments made to a county recorder; revising provisions relating to the appointment and oath of deputy sheriffs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 140—AN ACT relating to public works; providing for certain contractors to receive an additional preference in bidding on public works; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Kirkpatrick, Parks, Conklin, Allen, Anderson, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Goedhart, Hogan, Kihuen, Leslie, Mabey, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Smith, and Womack; Senators Wiener, Coffin, Titus, Horsford, Lee, Mathews, Washington, and Woodhouse:

Assembly Bill No. 141—AN ACT relating to motor vehicles; providing for the inspection and forfeiture of certain seized vehicles or parts which have altered or missing identification numbers or marks; prohibiting the disclosure of certain information related to the investigation of such a vehicle or part; prohibiting a vehicle dealer, garage owner and certain other businesses from possessing a vehicle or part which has a missing or altered identification number or mark; revising the penalty for possessing such a vehicle or part; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly Bill No. 142—AN ACT relating to ethics in government; requiring certain public officers and lobbyists to attend a course on ethics in government; requiring lobbyists who lobby the Executive Department of the State Government to file a registration statement and periodic reports with the Secretary of State; requiring the Secretary of State to handle all reports and filings and make investigations under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goedhart, Beers, Goicoechea, Grady, Hardy, Marvel, Settlemeyer, Stewart, and Weber; Senators Beers and McGinness:

Assembly Bill No. 143—AN ACT relating to the Commission on Ethics; increasing the time within which the Executive Director of the Commission on Ethics is required to complete his investigation of the facts and circumstances relating to a request for an opinion; requiring the Commission

to disclose the general status of a request for an opinion to the person who made the request; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 18.

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

Motion carried.

Senate Bill No. 34.

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

Motion carried.

Senate Bill No. 39.

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

Motion carried.

Senate Bill No. 44.

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

Motion carried.

Senate Bill No. 46.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 9.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Assembly Bill No. 16:

YEAS—42.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblymen Claborn and Leslie.

Roll call on Assembly Bill No. 28:

YEAS—42.

NAYS—None.

Assembly Bill No. 28 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblymen Parnell, Manendo, and Anderson.

Roll call on Assembly Bill No. 48:

YEAS—42.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 51:

YEAS—42.

NAYS—None.

Assembly Bill No. 51 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 21, 2007

To the Honorable the Assembly:

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

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady and Anderson.

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

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker. Every two years, a resolution comes before this body to recognize the Clampers. There are Clampers from Virginia City, Silver City, Gold Hill, Dayton, Reno-Sparks, southern Nevada, eastern Nevada and in both houses of this Nevada Legislature.

As the resolution says, they have survived the test of time. Madam Speaker, we are proud to have you, as many Speakers have before you, welcome the "Frolicking Friars" as they visit our

Chamber today and prepare for another fun-filled event of protecting the widders of this great state. Thank you.

ASSEMBLYMAN ANDERSON:

This organization has existed from the earliest days of Nevada mining history. As clearly explained, "taking care of the 'widders' and orphans, especially the 'widders'," of course, is not just a small remark because it was not unusual that the actual rescue of families who were left destitute was left to groups such as their fellow miners. That is exactly where this organization came from, helping their fellow miners and leaving anonymous gifts for their families.

Today, E. Clampus Vitus is engaged in another kind of charitable work, and that is rescuing from oblivion the early history of the state. If any of you have wandered the back roads of this state as I have had the great privilege to do, you know that you will come across a mining camp, and the only sign that it was once there is the markers that have been erected by the Clampers. Some of you may disagree about some of the locations that they have selected, but those are the sites that were common at the time where people frequented. Taverns were important places in those communities and therefore should be recognized. I am particularly mindful of one of the locations in my Assembly district—falls right on the edge of it as it happens—and that is the marker placed for James Beckwith. Beckwith was a black frontiersman who blazed the trail across the Sierras, over the lowest passage of the Sierras, whose history might otherwise be forgotten had it not been for the hard work of the Clampers to make sure that the knowledge of his achievement and his accomplishments here in the West were verified. They spend painstaking hours making sure the historical record is accurately portrayed, and they have produced books that are often available in a narrow circle of individuals, but still it is their painstaking travel and time that erects those markers. Thank you.

Resolution adopted.

Assemblyman Ocegüera moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 4:47 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Conklin and Mabey 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.

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

IN JOINT SESSION

At 4:56 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Amodei, Care, Coffin, and Rhoads, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Goicoechea, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Cegavske and Assemblyman Horne 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 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-FOURTH SESSION, 2007

Speaker Buckley, Majority Leader Raggio, members of the Senate and Assembly, Governor Gibbons and other constitutional officers, distinguished guests, and my fellow Nevadans:

I am honored to be here with you today at this moment of great opportunity and promise. In Nevada and Washington, D.C., we face the challenge of reaching out to members of the opposite party to make progress and improve the quality of life for all Americans. Throughout time, men and women have nobly answered this call and changed history.

Two hundred years ago this week, the struggle of a leader in Great Britain finally resulted in victory with a vote by the House of Commons to abolish the horrific slave trade. William Wilberforce had been the voice of the antislavery movement for more than two decades. He introduced his antislavery legislation every single session of Parliament, worked every possible angle, and was ridiculed and targeted for his commitment to the cause. His health deteriorated during the course of his advocacy, but his passion did not.

William Wilberforce was admired for his ability to work with philosophical opponents for the greater good. One of his favorite sayings was, "Measures, not men." In this capitol, and in our nation's capitol, we must commit ourselves to crossing the great political divide for the greater good.

I want to start off by congratulating our senior Senator, Harry Reid, now the Majority Leader of the United States Senate. I am very proud of my good friend for what he has accomplished. My Republican colleagues have entrusted me with the chairmanship of the National Republican Senatorial Committee, and we have two members now on the House Ways and Means Committee. Nevada has truly never known such political influence in its history. Senator Reid and I have worked together on many Nevada initiatives over the years to improve the quality of life for our constituents. We have been so successful because we have been willing—along with the rest of the Nevada delegation—to put aside our philosophical differences and party loyalties and do what is best for Nevada.

Our delegation is well positioned to continue that work. In fact, Nevada is in the best position ever to put the brakes on the Yucca Mountain project and finally shut down that money pit of deceitful management and bad science.

I feel very blessed to have been exposed to so much of our state throughout my life. My childhood memories are of growing up in Reno, Carson, Lake Tahoe, and later in Las Vegas. This state has been home to my family for more than 100 years. There is no place like it in the world. All the things that I love about Nevada are the same reasons that thousands continue to move to our state each month. It is the quality of life that we all cherish so deeply.

The lands bills that Senator Reid and I, along with then-Congressman Gibbons, have written over the past six years were born out of the desire to protect and enhance the quality of life throughout Nevada. Our most recent bill, the White Pine County Lands bill, is a perfect example.

The White Pine County Lands bill, like the other laws, was crafted in cooperation with citizens holding many different views. The bill designates 550,000 acres of wilderness, but it also allows 45,000 acres of BLM land to be privatized. Land sale proceeds will go to funding White Pine County law enforcement, fire protection, transportation, and natural resource planning. So far, with all of the lands bills that we have done, the general education fund for the state has received \$150 million to this point.

The quality-of-life benefits extend to every corner of the state. The White Pine measure also includes a ten-year authorization for a comprehensive hazardous fuels reduction program at Lake Tahoe, throughout the eastern Sierras, and the Spring Mountains in southern Nevada. It also has funds to acquire and protect portions of the Ballardini Ranch in Washoe County, the acceleration of over a billion dollars in parks and trails in southern Nevada, and the construction of a new reservoir to conserve 3 million acre-feet of water from the Colorado River.

These projects will make a tremendous difference in the lives of generations of Nevadans to come. They ensure that our natural resources are protected and that we are prepared for continued growth.

The innovative thinking that has made these bills so successful is the same kind of thinking we need to tackle other challenges facing our state—namely traffic congestion. The gridlock haunting many of our daily commutes puts our families in danger, stifles businesses, and harms our air quality.

State, county, and local legislators can no longer look to Washington, D.C., for a blank check to fix these problems. The Highway Trust Fund is now paying out 100 percent of what it brings in. It is time to be open to finding innovative solutions. While the federal government will remain a partner, our state must explore every option to reduce gridlock as we look to improve the quality of life for all our constituents.

Innovation, entrepreneurship, and competitiveness have been the cornerstones of our state's progress and popularity for many decades. Today, we need to inspire a new generation of young people to be innovative and to be competitive. Our students and businesses are no longer competing with just California and Arizona. They are up against people in China, India, and across the globe. And we must prepare them to meet that challenge.

I have spent a great deal of time over the past two years on legislation promoting competitiveness and innovation, which impact Nevada's future economic strength and how we can prepare students for the twenty-first century workforce.

Working together, we must do all we can to attract more high-tech companies and scientific researchers to our state. Last year, I convened high tech summits in Las Vegas and Reno in order to bring technology leaders together with educators, elected officials, chambers of commerce, and business development leaders.

These businesses and researchers foster innovation and the new ideas, technologies, and processes that lead to better jobs, higher wages, and a higher standard of living. Unfortunately, in the fields responsible for innovation in the twenty-first century—science, technology, engineering, and mathematics—America is steadily losing its global edge.

Last Congress, I introduced the bipartisan National Competitiveness Investment Act to address innovation and competitiveness challenges faced by our country. It focuses on three primary areas: increasing research investment; fostering science, technology, engineering, and mathematics talent; and developing an innovation infrastructure.

All of you know, I think, that I am a fiscal conservative. But every dollar we invest at the federal level in basic research is a dollar that will come back to us in spades in terms of stimulating economic activity and helping to keep the United States and Nevada at the forefront of global innovation.

The National Competitiveness Investment Act also addresses the need to encourage more American students from elementary school through graduate school to pursue careers in science, engineering, and mathematics, like we see at the Davidson Academy at UNR. The bill

strengthens the skills of thousands of math and science teachers by establishing new undergraduate and graduate training programs.

Just this afternoon, I met with Dr. Benjamin Tayahi. He has his Ph.D. in electrical engineering and is an assistant professor at UNR. He has recognized the important need to engage students and inspire them in the areas of math, science, and engineering—especially for minority students. His Saturday Engineering Academy is fueled, 100 percent, by volunteers. Students have access to cutting-edge technology at UNR and receive hands-on experience. It is really important that all of us focus on changing our educational system to meet the needs of the twenty-first century. Other countries have scientists and mathematicians teaching science and math. In the United States, we mostly have education majors teaching science and math. If your passion is in science and math, you have a better chance of translating that passion to your students. I have talked to the presidents of UNR and UNLV and our community colleges about trying to transform the way we teach our teachers. The University of Texas at Austin has a program called “You Teach.” It is innovative. They are actually taking science majors and teaching them to be teachers. The results, so far, have been very promising. The University of California system is going along with this same kind of model. It is time for Nevada to take the lead in the country to try to change the way we are teaching science and math teachers so that we can inspire the next generation of Nevadans.

Let me mention another issue being debated in Washington, D.C. that has a tremendous potential to increase our global competitiveness. When it comes to broadband deployment, we are falling behind the rest of the world.

The country that invented the Internet should not be sixteenth in the world when it comes to broadband deployment. Here in the State Legislature, you have a unique chance to help improve this situation and at the same time bring consumers more choices in video service.

Advances in technology now allow traditional cable or phone companies to get into each other's lines of business. This brings consumers another option for local phone service, and by introducing new competition, it creates better service, more features, and better prices.

And technology now makes it possible for telephone companies to get into the video business. However, our outdated laws make it a very cumbersome, expensive, and lengthy process.

The federal legislation seems to be stalled at this point, so I would encourage you all to join the nine states that have passed legislation to streamline video franchising rules to encourage the deployment of video services. Video competition will be great for consumers and result in exciting new services.

The opportunity to compete with cable and satellite in the video market is the key to spurring the investment in these broadband networks. The fiber optic networks that will bring Nevadans video services will mean dramatically increased broadband speeds that are critical to keeping us competitive globally.

While I will continue to push for legislation at the federal level, I urge you to work together this year to bring competition and investment to our state.

We have also taken great strides in improving the quality of life for our honorable veterans. I was proud to be at the groundbreaking ceremony in southern Nevada for the new VA medical center and hospital in North Las Vegas last year and look forward, with great anticipation, to the grand opening in 2011. We are also preparing for a community-based outpatient clinic in Fallon in the fall and continued improvements in health care for veterans in Elko.

I also believe that we must provide for our veterans' healthcare needs because without their sacrifice and service, very simply, none of us would have the freedoms that we cherish. But there is still much more work to be done, however. We need a state veterans nursing home in northern Nevada to complement the one in southern Nevada. As fast as our state is growing, we need to expand the state veterans cemeteries in Boulder City and Fernley. I know these are ambitious goals, but they are the very least we can do for the champions of our democracy.

A brave, new generation of future veterans is defending our freedom and fighting for our security every day, across the world. They, and their families, have made unbelievable sacrifices for our families and for our future. And there is no shortage of heroes or heroic efforts from this great state.

As I stand before you tonight, 376 men and women of the Nevada National Guard are serving around the world in support of Operation Iraqi Freedom and Operation Enduring Freedom,

including one of my staff members who I am very proud of, Mark Sprinkle. Along with countless Nevadans in other branches of the military, they are the great defenders of democracy and freedom. They have answered the call to protect and defend our nation, and we are so proud of their commitment to this noble cause.

Roughly 100 soldiers from Fallon, Yerington, Reno, Las Vegas, and Carson City are performing escort security duty in Iraq right now. These soldiers were all previously deployed to Fort Irwin, California. Not one of these soldiers had to go to Iraq, but every single one of them volunteered to go. There are many other Nevadans who have volunteered as well.

At Nellis Air Force Base, Air Force active duty and reserve airmen, as well as Nevada Air guardsmen, are working together to play a critical role in fighting this war against radical, Islamic extremists. They are piloting the unmanned, armed Predator spy planes. The Predators have been vital to finding and killing terrorists in Iraq and Afghanistan. Last year, this Nevada team of active, reserve, and guard members participated in 470 raids, surveyed almost 16,000 targets, logged more than 40,000 flying hours, and completed more than 2,000 sorties.

And the actions of our Nevada servicemen and women are nothing short of heroic. Next week, four airmen from Nellis will be awarded the Bronze Star Medal, and four will receive the Army Commendation Medal for their service in Iraq. As members of the Explosive Ordnance Disposal Flight, they engaged in more than 700 combat missions, destroyed almost 400,000 pieces of unexploded ordnance, and cleared tens of thousands of miles of strategic highway.

Technical Sergeant Michael Bibb manually cleared a vital road of Improvised Explosive Devices, or IEDs, with a battle raging only 500 meters from his location. Staff Sergeant David Fitzpatrick manually cleared a landing zone in minutes so that a MEDEVAC helicopter could land and transport the wounded. And Staff Sergeant Krumlinde evacuated an innocent Iraqi family, defeated a timed IED that had been placed next to their home, and saved their lives and their home.

This is the courage we have seen time and again from Nevada's men and women in uniform. But they do not serve alone. Their families have also shown great bravery and commitment in the face of worried days and sleepless nights. I have been awestruck by the support these families provide for their loved ones and for the entire military community.

Unfortunately, 50 men with ties to Nevada have made the ultimate sacrifice. They are more than numbers, though. They are fathers, sons, brothers, husbands, and friends. They left behind families who will never be able to fill the void left by their deaths.

One-year-old Ethan Garrigus' only memories of his father will be from pictures and the teddy bear he left behind with a special recorded message. Ethan's father turned down assignments on American soil in order to serve a second tour in Iraq. He believed in his mission and he wanted to protect his son and his wife and our way of life.

I want Ethan to know that we are so proud of his father and his unwavering commitment to freedom. Sergeant Garrigus gave his life for a cause greater than all of us. It is in his honor and in the name of the men and women who have died defending freedom throughout our history that we should pledge to work together for the good of Nevada and the good of this nation.

God bless all of them, God bless you, and God speed. Thank you.

Senator Heck 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 Assemblyman Parks.

Motion carried unanimously.

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

Senator Hardy moved that the Joint Session be dissolved.

Seconded by Assemblyman Carpenter.

Motion carried.

Joint Session dissolved at 5:23 p.m.

ASSEMBLY IN SESSION

At 5:25 p.m.

Madam Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Lorry Peterson-White.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Scott McAbee.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffery Johnson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Nate Hughes and Steve Sherman.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, February 22, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 5:25 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly