

**THE TWENTY-SECOND DAY**

---

CARSON CITY (Monday), February 26, 2007

Senate called to order at 11 a.m.

President pro Tempore Amodei presiding.

Roll called.

All present except Senator Schneider, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Matthew 11:25-30: "Come to me, all you who labor and are heavy laden, and I will give you rest. Take my yoke upon you and learn from me, for I am gentle and lowly in heart, and you will find rest for your souls. For my yoke is easy and my burden light."

Lord God we pray, in Your Son's name, that today's decisions will not be burdensome but that they will be the joyous yoke of servant-hood to which we have been called and entrusted to.

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 were referred Senate Bills Nos. 64, 65, 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 Senate Bills Nos. 10, 57, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, February 22, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 9.

SUSAN FURLONG REIL  
*Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

February 20, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 3, 5, 12, 32, 50, 67, 71.

GARY GHIGGERI  
*Fiscal Analysis Division*

February 24, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 38, 55, 116, 125, 126, 127.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 11, 76, 91, 102, 135, 143.

GARY GHIGGERI  
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Raggio, Townsend and Nolan:

Senate Joint Resolution No. 4—Proposing to amend the Nevada Constitution to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 7 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[Sec. 7.—The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute]~~

*Sec. 7. 1. There is hereby created a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. ~~But the~~*

*2. The Legislature shall ~~at its regular session next preceding the expiration of the term of office of said Board of Regents~~ provide by law for ~~the election of a new~~ :*

*(a) The organization of the Board of Regents ~~and define their duties~~, including, but not limited to, the number of members of the Board of Regents and the qualifications and terms of office of the members of the Board of Regents;*

*(b) The appointment of the members of the Board of Regents by the Governor; and*

*(c) The duties of the Board of Regents and its members.*

And be it further

RESOLVED, That if the constitutional amendment included in this joint resolution is ratified by the voters at the general election on November 2, 2010, and the votes for and against the constitutional amendment are canvassed by the Supreme Court of Nevada pursuant to NRS 293.395, the Legislature may, in implementing the provisions of the constitutional amendment, terminate the terms of office of the members of the Board of Regents if the Legislature determines such action is in the best interests of the people of this State.

Senator Raggio moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Coffin has approved the addition of Senator Schneider as a sponsor to Senate Bill No. 116.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Senate Bill No. 148—AN ACT relating to trusts; revising certain provisions of the Uniform Principal and Income Act (1997) governing disbursements made from principal and income; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 149—AN ACT relating to elections; providing that the governing body of a city incorporated pursuant to general law in certain larger counties shall adopt an ordinance to provide for a primary city election and general city election on the dates for state primary elections and state general elections; revising the charters of certain cities to provide for primary city elections and general city elections on the dates for state primary elections and state general elections; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 150—AN ACT relating to services to aging persons; expanding the jurisdiction of advocates for residents of facilities for long-term care to include homes for individual residential care; and providing other matters properly relating thereto.

Senator Washington moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 151—AN ACT relating to education; revising the circumstances under which larger school districts may apply to the Superintendent of Public Instruction for an alternative school schedule; and providing other matters properly relating thereto.

Senator Washington moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Taxation:

Senate Bill No. 152—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for certain ophthalmic or ocular devices or appliances; providing for such an exemption from certain analogous taxes if the voters approve the amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Senate Bill No. 153—AN ACT relating to taxation; authorizing certain library districts to request allocations from the Local Government Tax Distribution Account; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Senate Bill No. 154—AN ACT relating to taxation; providing an exemption from the taxes on transfers of real property between a business entity and its owners if the transfer to each owner is proportional to his respective ownership interest in the business entity; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senators Hardy, Heck and Lee:

Senate Bill No. 155—AN ACT relating to identity theft; allowing a postal inspector of the United States Postal Inspection Service to make arrests without a warrant under certain circumstances; increasing the penalty for possessing, selling, transferring or obtaining and using the personal identifying information of another person under certain circumstances; creating a rebuttable inference of the intent to use the personal identifying information of another person unlawfully under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Senator Mathews:

Senate Bill No. 156—AN ACT relating to the Public Employees' Retirement System; providing that any police officer or firefighter who has at least 5 years of service and suffers a catastrophic injury in the course of employment may receive a disability retirement allowance; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Mathews, Wiener, Heck, Amodei, Horsford, Raggio, Townsend and Assemblywoman McClain:

Senate Bill No. 157—AN ACT relating to public guardians; allowing a board of county commissioners to pay the necessary expenses incurred by a public guardian during a guardianship; allowing a board of county

commissioners to establish a revolving fund to pay for the necessary expenses incurred by a public guardian during a guardianship; requiring a public guardian to reimburse the county from the assets of the ward for any expenses paid by the county; requiring boards of county commissioners to establish the office of public guardian; revising provisions governing the appointment or designation of a public guardian; revising the requirements governing eligibility to utilize a public guardian; revising provisions concerning attorneys retained by a public guardian; and providing other matters properly relating thereto.

Senator Mathews moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Cegavske:

Senate Bill No. 158—AN ACT relating to education; establishing the Special Needs Scholarship Program to be administered by the Department of Education; authorizing the parents and legal guardians of certain pupils with disabilities to apply to the Department to participate in the Scholarship Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of money for the education of pupils who participate in the Scholarship Program; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 9.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Motion carried.

Senate in recess at 11:36 a.m.

#### SENATE IN SESSION

At 4:49 p.m.

President pro Tempore Amodei presiding.

Quorum present.

#### NOTICE OF EXEMPTION

February 26, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 2, 73.

GARY GHIGGERI  
*Fiscal Analysis Division*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Senate Bill No. 159—AN ACT relating to collection agencies; removing an exemption related to licensing for certain foreign collection agencies; limiting the activities of certain foreign collection agencies; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Senate Bill No. 160—AN ACT relating to mortgage lending; providing for a new commission named the Commission on Mortgage Investments and Lending; providing for the Commission to hold appeals hearings for certain violations of chapters 645A, 645B and 645E of NRS; providing for the membership, eligibility requirements, structure and powers of the Commission; providing for the Commission to adopt regulations for appeals hearings and the continuing education requirements of licensees of chapters 645A, 645B and 645E of NRS; abolishing the Advisory Council on Mortgage Investments and Mortgage Lending; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Coffin:

Senate Bill No. 161—AN ACT relating to air pollution; providing for additional exemptions from the requirements for the inspection of motor vehicles for the control of emissions; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 162—AN ACT relating to counties; revising the authority of county fair and recreation boards in certain larger counties to enter into certain real estate transactions; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 163—AN ACT relating to state financial administration; providing for the Manager of the State Public Works Board to serve as the building official for certain improvements constructed, altered, repaired or

remodeled pursuant to a lease-purchase or installment-purchase agreement; and providing other matters properly relating thereto.

Senator Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Human Resources and Education:

Senate Bill No. 164—AN ACT relating to public health; revising provisions relating to the administrative support provided to the Task Force for the Fund for a Healthy Nevada; revising provisions governing allocations for distributions from the Fund; and providing other matters properly relating thereto.

Senator Washington moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywomen Smith and Gansert were at the bar of the Senate. Assemblywoman Smith invited the Senate to meet in Joint Session with the Assembly to hear Representative Shelley Berkley.

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 4:53 p.m.

#### IN JOINT SESSION

At 4:55 p.m.

President pro Tempore Amodei presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Coffin, Mathews, McGinness, Schneider and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Carpenter, who was excused.

Mr. President pro Tempore appointed a Committee on Escort consisting of Senator Woodhouse and Assemblyman Ocegüera to wait upon the Honorable Shelley Berkley and escort her to the Assembly Chamber.

Representative Berkley delivered her message as follows:

#### MESSAGE TO THE LEGISLATURE OF NEVADA SEVENTY-FOURTH SESSION, 2007

Good evening, everybody. It seems as though I picked a Washington, D.C. weather day, here, in Carson City to join you. I am delighted that any of you showed up so I thank you very, very much. It is always a pleasure being back here with you.

When I come into this Chamber, I recall when I served in 1983. And, for those of you old timers that were serving here back then, you know that I had a seven-month-old son with me, my son Max. I never feel older than when I come back and realize that he is now a first-year law

student at the Boyd School of Law and is 24 years old. It has been 24 years since I served in this very esteemed Chamber, and it is always a pleasure to come back and visit.

In less than two months, I have been a witness to history twice. The first time was when I cast my vote on the floor of the House of Representatives for the first woman Speaker of the United States House of Representatives, Nancy Pelosi. And, it gives me extraordinary pleasure to have been introduced by Nevada's first female Speaker of the House, my dear friend, Barbara Buckley.

Madam Speaker; members of the esteemed Nevada Assembly; Senator Raggio; Senator Titus; members of our esteemed State Senate; Madam Controller Kim Wallin, it is lovely to see you; and our very esteemed members of our Nevada Supreme Court, it is a great pleasure to have you here, and I am delighted that you came. I know how difficult it is out there. I know we have a representative of our Governor—thank you very much and extend my appreciation that he made you go out in the snowstorm to come here.

I want to talk to you tonight about a number of issues, and I promise that it will be as brief as I can possibly make it, but I want to convey and share some thoughts with you. Our Nation is at war. There are more than 1,900 brave Nevadans currently serving our Country in Afghanistan and Iraq, nearly two-thirds of the Nevada Army Guard units have been deployed since 2001 and more than 50 percent of Nevada's Army Guard soldiers have taken part in Operations Iraqi Freedom and Enduring Freedom. One in three Nevada National Guardsmen has served in Iraq over the last few years. Thirty-four Nevadans have lost their lives in Iraq and Afghanistan, and I have a poster in my office in Washington D.C. with the names of 43 Nevadans who have lost their lives due to terrorism since 9/11.

I want to acknowledge the loved ones they left behind, and may we always honor our commitments to the families of the fallen and keep our promises to care for those who are injured as a result of their military service.

As I stand here, I am very cognizant of the fact that thousands and thousands of our fellow countrymen have paid, and are paying, a huge price on behalf of our Nation, and they have made great sacrifices that most of us cannot even begin to imagine. As a member of the Veterans' Affairs Committee, one of my top priorities is building a state-of-the-art VA medical complex in southern Nevada. We have had challenges getting this complex done. The good news is that I was able to secure 147 acres on the corner of Highway 215 and Pecos in North Las Vegas in order to build three buildings that will be part of this medical complex—a full-service VA hospital, an outpatient clinic and a long-term care facility for our veterans. Please be mindful that there are already 1,500 veterans of the Iraqi-Afghan conflict who are now seeking medical attention through our VA in southern Nevada. The bad news is the total cost of this project has almost doubled since Congress approved it a few years ago. The good news is, true to the administration's word, they have included in the 2008 budget the rest of the funding we will need to complete this extraordinary project. I believe in giving credit where credit is due. A full one-half of the President's VA capital budget is coming to the State of Nevada. The rest of the 49 states will share the other half of the budget. We did quite well. We have much to do. We have the fastest-growing veterans' population in the United States, and when these troops come home, whenever it is—if it is six months from now or six years from now—they are going to need the medical attention that we have promised them, and we will be able, in the State of Nevada, to provide it.

Few issues, in my mind, are more important than energy independence. Gas prices have increased by more than 50 percent in Nevada since 2001, and families continue to feel the pinch every time they fill up at the pump. The prices are not over \$3 a gallon anymore, but they are not too much lower, either. Ending our addiction to foreign oil is a key step in ensuring that energy will remain affordable for America's families in the future and that our Nation is not at the mercy of the Saudis, the Venezuelans, the Nigerians and every other hostile and unstable regime across the planet.

Dependence on foreign oil is the number one, long-term threat that our Nation faces, and it is incomprehensible to me that almost six years after 9/11 this Nation still does not have a comprehensive energy policy that will get us away from foreign oil and start us exploring and using renewable, clean energy that we can count on for generations to come.



Despite the overwhelming need as a Nation to invest and promote energy independence, the President's latest budget request for renewable energy and energy efficiency is the same in 2008 as it was in 2001. Stagnant funding will not lead us to energy independence. Legislation passed a few years ago in Congress gave billions of dollars of tax breaks to the oil, gas and nuclear industries instead of renewable-energy sources. Congress is now beginning to look first at new directions for our Nation's energy supply, which puts the emphasis on renewable or alternative fuels.

The House passed a renewable-energy bill called the Clean Energy Act in the first 100 hours of the new Congress. This bill repeals the subsidies to the oil and gas industries and provides that the funding be used for renewable energy incentives. The Ways and Means Committee, a committee that I sit on, will discuss exactly how this money will be spent in hearings to be held over the next few weeks. I would have preferred to see these subsidies stripped from the nuclear industry as well and the savings put towards renewable power and alternative fuels. That is the direction this Nation needs to be going. To that end, I have reintroduced my own energy-independence bill called the Freedom Through Renewable Energy Expansion Act—the FREE Act, I love it—which would repeal subsidies to the oil, gas and nuclear industries and redirect this money to give tax incentives to other programs that promote the production of renewable energy sources, many of which can be found in Nevada. Let's harness our wind, our sun and our geothermal resources that we have in abundance here in northern Nevada. If we are going to be the epicenter of energy in this country, there is no better state than the State of Nevada to provide clean, renewable energy to the rest of this Nation. We can do it. We have got it in our power. The FREE Act would also create a federal renewable portfolio standard modeled after the one created by the Nevada State Legislature that requires at least 20 percent of our Nation's energy to come from renewable sources by the year 2016, and it was such a lovely, well-written bill by the Nevada State Legislature that I stole it, and I thank you very much for that.

Yucca Mountain is collapsing under the weight of a bloated budget, scientific uncertainty, mismanagement and outright fraud. We have emails that say that sometimes we do not know the data so we just make it up. That does not exactly give you a great feeling that this is based on sound science. There is a growing realization that the dangers of transporting nuclear waste across this Country are untenable. Also, we have a Majority Leader of the United States Senate that is hell bent on eliminating the funding for Yucca Mountain. That all helps, but I would say to all of you that this battle is not over yet, and I implore you to keep the pressure on, keep up the fight, keep the information flowing until the time that Yucca Mountain truly becomes nothing but a very, very bad memory.

I want to talk to you about the President's budget that he presented to the United States Congress on February 5, and its impact on the State of Nevada, particularly, on what you are doing in these hallowed halls of your Legislature. Decisions that are made and the votes that we cast in Washington have a profound effect on the work that you are doing here on behalf of all of our constituents and our fellow citizens in Nevada. I receive literally thousands of emails, phone calls, faxes and letters every single week in my Washington and Las Vegas offices. I suspect that you are getting the exact same letters, faxes, emails and communications from your constituents. What are they asking us? They are asking us for affordable health care. They want lower energy prices. They want us to invest in public schools so that kids can get a good education. They want job security so they know from one month to the next that they are going to have a job so that they can take care of their families, and they want to make sure that their federal government is going to keep them safe from a future terrorist attack. I don't think that the American people are asking too much of their government at any level. These priorities are not reflected in the 2008 budget proposal from the President.

Let me talk to about homeland security. The President's budget slashes first-responders' funding and all but eliminates funding for the COPS program which has helped to put law enforcement officers on the beat in all of our communities. It cuts firefighters'-assistance grants by over 50 percent. Year-to-year grant funding from the Department of Homeland Security to our states is an asinine way to fund antiterrorist programs throughout the United States. Last year, Nevada did not make the list. This year we did make the list. After we were cut out of the list last year, I happened to be at a dinner at the Israeli Embassy with the Secretary of Homeland

Security, Michael Chertoff. I went over to him and said, "Mr. Secretary, how could you have left Nevada off the list of most vulnerable states when it comes to a terrorist attack?" He said, "Don't worry. You can earn your way back on next year." Well, how does one earn their way back on to a terrorist list? I do not think it is a list that I really want to earn my way back on to, but I would like to know what the criteria is so that every year we could be on the list. We need that money desperately.

The other thing I want to mention to you is that I do not think any of us will ever forget 9/11. Watching that horror unfold on our television sets and seeing these brave first responders, the firefighters in New York, go into those burning buildings and have no way to communicate with them to get out. We did not have, at that time, interoperability of first-responders' communication devices. Five and one half years later, we still do not. This should be a no-brainer for all of us, and this is something that has not been funded by the President's budget ever and needs to be fast.

Medicare cuts will result in a loss of more than \$100 million in funding for hospitals, skilled nursing facilities and home health providers serving seniors and people with disabilities in our State of Nevada. There are nearly 300,000 Medicare beneficiaries and about 175,000 Medicaid beneficiaries in the State of Nevada. The President's budget includes more than \$75 billion in Medicare and Medicaid cuts over five years and calls for billions of dollars in new premiums. These cuts are merely going to transfer to the states even more of the burden of providing care to the elderly and the poor. Let me mention Medicare reimbursement for the doctors. I cannot tell you how many telephone calls I get from my doctors in southern Nevada. They are telling me they can no longer afford to take on more Medicare patients and if there is another cut, they will not take on more Medicare patients. Why is that important? It is because we have got the fastest growing senior population right here in the State of Nevada. If our doctors start refusing to care for Medicare patients or they cannot make enough money or are not reimbursed enough to cover the cost of serving and caring for these seniors, we are going to have a senior health-care crisis in this State. This is not something that is going to happen in the future. It is going to happen now unless we correct this problem.

There are 425,000 of our fellow Nevadans without any health insurance, and the number is rising. Today, Nevada's workers are paying nearly \$1,400 more to insure their families than they did just six years ago, an 80-percent increase. This increase has many unable to afford coverage, even if it is offered through an employer. Federal programs aimed at addressing the issue of the uninsured are being squeezed as a result of cuts in Washington. One perfect example is SCHIP (State Children's Health Insurance Program). Our Governor and the Nation's governors are in Washington D.C. They recently met with the Secretary of HHS and begged him to put more money into this program. This budget leaves SCHIP in dire jeopardy. Underfunding SCHIP does nothing to help the more than 100,000 uninsured children in the State of Nevada. I do not have to tell anyone here SCHIP is a partnership between the feds and the State that provides health care to low-income, uninsured children whose income level is above Medicaid eligibility. It expires at the end of 2007. The Ways and Means Committee will deal with reauthorizing the program this year. The President would reauthorize SCHIP for five years, and he adds \$675 million into the SCHIP program. It brings it up to \$5 billion. That sounds great. The only thing is every expert tells us, and every state governor tells us, that it is going to take \$12 billion to \$15 billion in order to make this program whole. That means that we are already starting with a \$10-billion deficit. A cut on top of that would be absolutely outrageous. This funding level will force the states to find ways to cover children that would be denied this health insurance. I will make a promise to you, that as a member of the Ways and Means Committee, I will do everything in my power to make sure that we can add desperately needed funding to the SCHIP program so that the burden does not fall on you.

Education is on everybody's minds. We all campaign on it. We are all, the education Assemblymen, the education Senators and I am certainly the education Congresswoman. Over the past six years, No Child Left Behind has been under funded by \$71 billion nationwide. Now, we all believe in accountability, and I voted for "Leave No Child Left Behind" because I liked to know that there was accountability built into the program, but what I did not vote for was underfunding it by \$71 billion. Under the President's current budget, 20,000 children in the State of Nevada will go without promised help in reading and math, and over 11,000 children in

Nevada will fail to receive after-school services promised and written into the No Child Left Behind Act. There is no congressional district, and many of your districts overlap with mine, your Assembly districts, your state Senate districts, fall within my Congressional District and Congressional District 3, there is no area in the Country that needs those after-school programs more than we do. We have the fastest-growing school-age population. We have a lot of single-parent homes. We have a lot of divorced families, and we have a lot of children out on the streets. Those after-school programs are the thing that keeps these kids safe, gives them a little extra help on their schoolwork and gives them an opportunity to succeed. We need to make sure that these programs are funded.

If there is one investment in education I hope you will support this legislative session, it is all-day kindergarten for our children. Providing our students with more early-learning opportunities can help improve academic achievement and better prepare our kindergarteners for later grades. Every-academic study, I have read and the experience of other states—every one of them—has shown that the value of all-day kindergarten classes is for real. I hope that you will support this program and support our youngest students with the opportunity for increased learning at an early age. If you talk to any teacher that is doing all-day kindergarten in a predominately non English speaking school, they will tell you that their young kindergarten kids come into their class without speaking a word of English in September or at the end of August; by May, they are speaking English fluently. Isn't that what we want to see? Yes, we do.

We have nearly 250,000 veterans in the State of Nevada. The President's budget falls short of what is needed to keep pace with growth and is inadequate in light of the badly wounded troops returning from Iraq and Afghanistan who will depend on the VA health-care system to take care of their health-care needs. Caring for our veterans is a cost of war, and it is a lifetime obligation for our Nation. The administration is asking for a \$1.9 billion increase over 2007. It sounds like a lot of money until you realize \$1.4 billion of that is inflation to keep us exactly where we are today. There are 50,000 wounded American soldiers coming from the Afghanistan-Iraqi war; they are coming home, and they will be accessing our VA health care system. We had better be prepared for them.

Other things the President has proposed are dead-on-arrival because he has introduced them the last four years and they have been rejected by a Republican Congress and a Republican Senate. One of them is, we will never—and I will pledge to you today and I pledge to my veterans—we will never charge our veterans an enrollment fee so that they can access the VA medical system that we promised they could have for free. Not going to happen; I do not care what the President has in his budget.

It would be an impossible situation if we were to double the copayments of our veterans for the prescription medications that they are currently getting from the VA. It is a disgrace that we should even be thinking about balancing the budget on these veterans' backs.

The last thing that I will talk about when it comes to veterans is another proposal. Last year the President proposed a \$13-million cut in prostheses. Twenty thousand of the 50,000 people who will be coming home from the theatre of war have lost at least one limb. Do we really want to balance the federal budget on the backs of these poor men and women? I do not think so. I do not, and you do not either. We are not going to do it.

The Speaker asked about the REAL ID Act. It is my opinion, that the federal government should not throw the responsibility and costs of illegal immigration and homeland security onto the states. This is yet another unfunded mandate that you do not need. This is one of those "I voted against it before I voted for it," situations, but I voted against the REAL ID Act on February 10, 2005. On May 5, we voted for the wartime supplemental-appropriation bill that funds the soldiers. Somehow, magically, the REAL ID bill that we voted against three months earlier was put in the supplemental-bill that none of us were going to vote against because we were not going to vote against funding our soldiers in the field. That is how the REAL ID was passed. The cost estimates for implementing REAL ID nationwide are as high as \$11 billion.

Somewhere along the line, REAL ID changed from a homeland-security issue to an immigration issue. It was rushed through with no planning and no consultation with the states. According to our own Department of Motor Vehicles Director, Ginny Lewis, it will cost Nevada about \$66 million over the next four years to comply with REAL ID. The Maine Legislature was the first in the Nation to refuse to implement and call for the full repeal of the REAL ID Act.

Numerous other states—21 at this moment—have similar legislation pending. I am the cosponsor of a piece of legislation with Maine Congressman Tom Allen that repeals the REAL ID drivers' license requirements and reestablishes the Department of Transportation and the Department of Homeland Security federal rule-making process that was recommended by the 9/11 Commission. This bill would require federal agencies to consult with the state governments and would also authorize several hundred million dollars through 2015 for grants to help the states with compliance costs. I am a cosponsor of the legislation, and I am hoping to see passage.

I want to acknowledge Garn Mabey. I am sorry that I did not catch your eye when I first started speaking. It is a pleasure to be speaking before you. Thank you for having me.

Three other very quick things. In Congress, I fought to bring back the state sales-tax deduction. The result has been a savings for Nevadans on their tax bills. In 2004, nearly 330,000 Nevadans claimed deductions totaling more than \$500 million for state and local sales tax. We need this to be a permanent option for Nevada families at tax time. I will continue to work my hardest to make the sales-tax deduction a permanent option for all Nevadans.

We have passed an increase on the minimum wage on the federal level. The last thing I want to do is impose a burden on our small businesses here in the State of Nevada. Between the vote that we took in November, which raised the minimum wage in the State and an additional increase on the federal level, I know that there are many small businesses, particularly my restaurants, that are going to take a tremendous hit. Half of the people that are employed in Congressional District 1 are employed by small businesses. It became very important to me that we provide necessary tax breaks to compensate these small businesses for the amount of money it is going to cost them for the minimum wage. I am very happy to say that not only did the minimum-wage increase pass in Congress, but a series of tax breaks for small businesses passed the Friday before we recessed for the Presidents' Day break so our small businesses in the State of Nevada will be whole and our working men and women will be whole too.

These are challenging times in our Nation, but what I got from the last election is the following: the people who vote for us do not care if you are elected on the local level, the state level or the federal level. I cannot tell you how many people see me in the airport and ask me about Carson City. I am sure they ask you the same questions. They do not care if you are a Republican or a Democrat. They want us to get something done. They are disappointed with all of us that hold a trusted elected office that we cannot come together and come up with meaningful, important legislation to solve the real problems that exist in this Country. You know, you can reach out to me at anytime, anywhere, on any issue, and I will work with every single person in this body to make sure that we can provide a quality of life for all people in this State, that all of us—all of us who are elected by the people of the State of Nevada—can take pride in. That is our number one responsibility: to do good for the people who have trusted us with their vote.

I thank you for giving me the opportunity to speak with all of you. I look forward to working with you for many years in the future to improve the quality of life in this State—and throughout the United States—giving every single one of our citizens an opportunity to be a part of this great Nation, to enjoy all of its abundance and opportunities and to have a piece of what is a very real American dream.

I thank you all very much.

Senator Horsford moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Representative Berkley to the bar of the Assembly.

Senator Titus moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:31 p.m.

SENATE IN SESSION

At 5:34 p.m.

President pro Tempore Amodei presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and Secretary signed Senate Concurrent Resolution No. 6; Assembly Concurrent Resolution No. 7.

REMARKS FROM THE FLOOR

Senator Wiener requested that her remarks be entered in the Journal.

Thank you, Mr. President Pro Tempore. I have questions for the Senators today.

Do you feel substantially stressed during the Legislative Session?

Do you find that your food choices are less than desirable?

Do you cut your sleep time to accommodate the long days?

Of course, all of these factors affect your health.

I know the value of making healthy choices throughout the Legislative Session because I know the price I pay when I do not make healthy choices. As an avid weightlifter, fitness enthusiast and swimmer, I realize the benefits of staying healthy.

Last session the Nevada 100 Challenge helped me focus on this effort.

During the eight-week period of the Nevada 100 Challenge, I along with other Legislators, staff and lobbyists participated in more than 103,000 healthy activities.

Additionally, participants walked 2,500 miles and prevented themselves from collectively gaining 800 pounds. This year the goal for the Nevada 110 Challenge will inspire more than 110,000 healthy actions.

I urge all of my colleagues to register for the Nevada 110 Challenge starting this Wednesday through Friday. I will be making daily announcements to encourage your involvement in this life-enhancing adventure. Thank you.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Janine Stone.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Jacob Green.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Adam Revak.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Mason Furr.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Gary Lewis and Eric Tarbox.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Dan Mahoney.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Trevor Gordon, Cindy Gordon and Marvin Gordon.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to William Struble.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Alec McClelland.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to Evan Kleiner.

Senator Raggio moved that the Senate adjourn until Wednesday, February 28, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 5:35 p.m.

Approved:

MARK E. AMODEI  
*President pro Tempore of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*