

**THE FORTY-FIFTH DAY**

---

CARSON CITY (Wednesday), March 21, 2007

Senate called to order at 11:23 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, our Lord, how majestic is Your Name in all the earth! The heavens and earth declare Your glory. We marvel at the work of Your hands: the star-filled sky, the snow capped mountains, the mighty oceans, the painted deserts, the sunsets glow, the fragrance of the gardenia and the robin's song! O Lord, bless the work of our hands this day. May our efforts enrich the lives of those whom we serve.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 10 of the 73rd Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA K. CEGAVSKE, *Chair*

*Mr. President:*

Your Committee on Transportation and Homeland Security, to which was referred Senate Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 20, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 5.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 18, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 108, 156, 166, 226, 248, 283, 287, 301.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 107, 152, 154, 161, 171, 172, 179, 180, 185, 211, 221, 223, 232, 233, 238, 239, 241, 242, 262, 267, 276, 284.

GARY GHIGGERI

*Fiscal Analysis Division*

## MOTIONS, RESOLUTIONS AND NOTICES

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

Senate Concurrent Resolution No. 16—Memorializing respected horticulturist and longtime Las Vegas resident Aggie Roberts.

WHEREAS, The residents of the City of Las Vegas are mourning the loss of Aggie Roberts, a beloved resident of more than 60 years; and

WHEREAS, Aggie Roberts was very involved in many civic projects such as the Metropolitan Beautification Committee and the Southern Nevada Clean Communities, and was a First Communion teacher for more than 40 years in several parishes in the Diocese of Las Vegas, also serving as a Eucharistic minister; and

WHEREAS, When Aggie was hired as a horticulturist with the University of Nevada Cooperative Extension, where she was employed for 29 years, she had the best of both worlds in that she could combine her lifelong passion for gardening with her career, focusing mainly on media and education; and

WHEREAS, Aggie had such enthusiasm for gardening that she loved to share her knowledge with others by teaching classes whenever called upon and by writing articles and appearing on local television and radio, and her dedication was demonstrated when her house burned down and she lost everything, but she still planned to teach her classes the next day; and

WHEREAS, Known as the "Plant Lady" and for dressing up like a bumblebee or ladybug, Aggie's love of children was exhibited by her many years of participation in the Parent Teacher Association, the Jaycee State Fair, the Girl Scouts of the USA and the Boy Scouts of America, and by forming junior garden clubs in which she included children with disabilities, and in 1996 the Aggie Roberts Elementary School was named in her honor; and

WHEREAS, Aggie lived by her favorite quote, "From what we get, we can make a living; what we give, however, makes a life," and she will be greatly missed for the beauty that she brought to Las Vegas through her gardening, her dedication to the children of her community and her enthusiasm for life; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 74th Session of the Nevada Legislature extend their heartfelt condolences to the family and friends of Aggie Roberts; and be it further

RESOLVED, That Aggie is survived by her daughters Betty Roberts and Pam Levins, both of Henderson, her son Bill Roberts of Milpitas, California, and seven grandchildren; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to each of the children of Aggie Roberts.

Senator Woodhouse moved the adoption of the resolution.

Remarks by Senators Woodhouse and Care.

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

SENATOR WOODHOUSE:

I am honored to present this resolution memorializing Aggie Roberts. Appropriately, she is one of the women selected for an exhibit currently showing in the Joseph Anderson Art Gallery

at the State Library and Archives,"100 Years of Influence: The Role of Women in Shaping the First Hundred Years of Las Vegas."

As a French philosopher once said, "All gardeners live in beautiful places because they make them so." Aggie chose to bloom in, and beautify Southern Nevada. What good fortune this was for the people of Clark County especially those who knew her but even those who did not.

Aggie was a giver in the best sense of the word. Family members and friends, students and plants all flourished under her attention and care. Enthusiasm, initiative and dependability are reflected in every aspect of her full life.

The resolution before you, today, recognizes only a few of Aggie Roberts' many accomplishments and contributions. Briefly stated, she was a devoted mother, faithful Catholic, dedicated volunteer, expert horticulturist and teacher extraordinaire.

Newspaper articles have tried to capture the essence of this remarkable woman. She has been called "a breath of fresh air." A writer described her "magic touch" with plants and with people.

Today, if you "Google" Aggie's name on the Internet, you will find articles and brochures she wrote. Topics include tending houseplants and landscaping successfully in the challenging desert climate. As you read her words, you will notice something. Aggie's instructions do not just say how to do something, they say, why.

Even the mission statement on the Web site of Aggie Roberts Elementary School, named in her honor and opened in 1996, reflects the perspective of this mother of three, who taught 5,000 youngsters a year about the miracles of gardening. It reads; "Our mission is to develop independent, secure individuals, capable of adapting to an ever-changing world. We will teach essential skills and promote a personal lifelong love of learning."

Let me offer you a small bouquet of highlights from a life lived well.

More than 60 years ago, Aggie Roberts moved to Nevada to get married. She fell in love with the desert, and the plants that survived its unforgiving conditions fascinated her. She especially enjoyed the Texas Rangers. These desert shrubs have small, silvery velvet leaves and bell-shaped lavender or white flowers that burst forth with new vigor after a rain.

As a parent, Aggie defined her duties broadly. For example, she was a room mother at her children's schools, a leader in the Boy Scouts and Girl Scouts, a superintendent of the Jaycee State Fair, a first Communion teacher and President of 16 PTA organizations.

Aggie Roberts worked for 29 years at the University of Nevada Cooperative Extension even though she never applied for the job. Rumor had it that some woman was giving popular talks at local garden clubs. The Cooperative Extension's director told Aggie's future boss to check this woman out. Aggie easily passed muster and was hired as a horticulturist. As the director said, "She might just as well be getting paid for giving talks as doing them for the love of it."

No manager could confine Aggie to her contracted 40 hours a week. Sixty hours was more her speed. When she worked overtime, she simply switched "hats" and attributed the hours to garden-club activities.

As a teacher, Aggie must have adhered to the adage, "Good teaching is one-fourth preparation and three-fourths pure theatre." Why else would she dress up as a butterfly or a ladybug? Or teach a lesson called "The Talking Plant"?

Youngsters loved the woman they called "The Plant Lady," and no wonder, even in photographs, her eyes sparkle with warmth and a hint of secrets to impart.

Aggie kept her own problems private, although she had her share. She lost her home and belongings in a fire. Her husband died in an automobile accident. Her faith sustained her and so did working in her garden where she felt close to God. "My garden does so much for me," she said, "and it has never let me down. The garden is the best place to go. I always forget everything when I am working in it. "

Aggie once said, "I just wish I could be three people, because I don't have enough time to help everyone." Time on earth ran out for her on May 16, 2006, 29 years to the day after she joined the Cooperative Extension.

Second grader Tiffany Theophil surmised the students' feelings about their namesake at a memorial service at the school: "Mrs. Aggie Roberts was the one who made us think harder in different ways. That is what made her special. "

She had hoped to attend the Arbor Day celebration at Aggie Roberts Elementary School last spring. This was not to be.

There is an old Shaker saying Aggie might have liked, "If you would have a lovely garden, you should live a lovely life." Aggie showed us how to do both.

Next month, the students at Aggie Roberts Elementary School will celebrate another Arbor Day. The seasons will change. Plants and people will thrive and struggle. Life will go on, of course, but not completely without the presence of Aggie Roberts.

As someone once said who must have known someone like her, "The true meaning of life is to plant trees under whose shade you do not expect to sit."

In conclusion, a coworker at the Nevada Cooperative Extension penned this tribute to Aggie Roberts:

"Teacher, friend, mentor, and sage.

How can we ever thank you enough for the care you've given?

May the seeds you've sown reap beauty for many years.

Now watch over this garden you've planted from above. "

I would like to thank nursery manager, Sarah Haymond, foresters Rick Vegan and Keith Davis, Nevada Division of Forestry Nursery, for providing the plants on the Senators' desks today in memory of Aggie Roberts. This nursery opens in May, and I encourage all of you to visit the nursery. It is fabulous. Thank you.

SENATOR CARE:

Thank you, Mr. President. I cannot improve on the resolution and the remarks made by Senator Woodhouse, but I would like to state briefly that I knew Aggie Roberts for an excess of 20 years. If you ever listened to the radio in Las Vegas, you might have heard her voice that was so instantly recognizable, a voice telling you how to plant flowers that would grow in the desert. When in Las Vegas, drive to the Winchester Recreation Center, which has the desert demonstration garden. This garden is the first of its kind to go into a recreation center. Aggie had a lot to do with its development.

Resolution adopted.

Senator Woodhouse moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 16 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

Senator Woodhouse moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:48 a.m.

#### SENATE IN SESSION

At 11:51 a.m.

President Krolicki presiding.

Quorum present.

Assembly Joint Resolution No. 5.

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

Senator Nolan withdrew his motion.

Senator Nolan moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 183.

Bill read third time.

Roll call on Senate Bill No. 183:

YEAS—21.

NAYS—None.

Senate Bill No. 183 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 66.

Bill read third time.

Roll call on Assembly Bill No. 66:

YEAS—21.

NAYS—None.

Assembly Bill No. 66 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 199.

Bill read third time.

Roll call on Assembly Bill No. 199:

YEAS—21.

NAYS—None.

Assembly Bill No. 199 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 11:59 a.m.

SENATE IN SESSION

At 12:12 p.m.

President Krolicki presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 21, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 15.

LUCINDA BENJAMIN  
*Assistant Chief Clerk of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 15—Honoring Nevadans who were killed in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through the Enduring Freedom and Iraqi Freedom Operations, over 3,500 Americans have lost their lives, including thirty-five Nevadans; and

WHEREAS, The service of these women and men required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the following Nevadans are hereby honored for sacrificing their lives in service to their country:

Marine Lance Corporal Nicholas H. Anderson, Las Vegas; Army Sergeant Kenneth E. Bostic, Hawthorne; Marine Lance Corporal Raul S. Bravo, Elko; Army Captain Joshua T. Byers, Sparks; Marine 2nd Lieutenant James J. Cathey, Reno; Marine Lance Corporal Donald J. Cline Jr., Sparks; Army National Guard Specialist Anthony S. Cometa, Las Vegas; Army Corporal Matthew A. Commons, Boulder City; Army Private First Class David N. Crombie, Winnemucca; Army Specialist Jason A. Disney, Fallon; Army National Guard Chief Warrant Officer John M. Flynn, Sparks; Army Sergeant John C. Griffith, Las Vegas; Army Private First Class Daniel F. Guastafarro, Las Vegas; Marine Corporal Jesse Jaime, Henderson; Army Sergeant Robert P. Kassin, Las Vegas; Marine 1st Lieutenant Nathan M. Krissoff, Reno; Army Corporal Stanley J. Lapinski, Las Vegas; Army Corporal Shawn T. Lasswell Jr., Reno; Army Staff Sergeant Emmanuel L. Legaspi, Las Vegas; Marine Lance Corporal Jeremy Z. Long, Sun Valley; Marine Private First Class John Lukac, Las Vegas; Army Corporal Joseph L. Martinez, Las Vegas; Army Sergeant Gordon F. Misner II, Sparks; Army Private Joshua M. Morberg, Sparks; Army Sergeant Eric W. Morris, Sparks; Navy Petty Officer 2nd Class Eric S. Patton, Boulder City; Marine Lance Corporal Richard A. Perez Jr., Las Vegas; Marine 2nd Lieutenant Frederick E. Pokorney Jr., Tonopah; Army Specialist Ignacio Ramirez, Henderson; Army 1st Sergeant Carlos N. Saenz, Las Vegas; Marine Corporal William I. Salazar, Las Vegas; Army Private First Class Thomas C. Siekert, Lovelock; Army National Guard Sergeant Patrick D. Stewart, Fernley; Army Specialist Teodoro Torres, Las Vegas; Army Private First Class Phillip B. Williams, Gardnerville; and be it further

RESOLVED, That the members of the 74th Session of the Nevada Legislature honor these brave Nevadans who made the ultimate sacrifice through their service, dedication and commitment to this country and their fellow man; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit thirty-five copies of this resolution to Tim Tetz, Executive Director, Office of Veterans' Services, for transmittal to each of the families of those being honored.

Senator Care moved the adoption of the resolution.

Remarks by Senator Care.

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

Thank you, Mr. President. This resolution read here, today, is crafted with reverence but, nonetheless, impossibly inadequate. This resolution is graced with 35 names. Each one of those names brings to mind an image of someone's child, spouse or relative. The images of 9/11 and the images of Operation Enduring Freedom, Operation Iraqi Freedom and the toppling of the statue of Saddam Hussein are forever fresh in our memories. I say images because with Vietnam we learned that repeated televised images can lead to a disturbing distancing between the soldiers who go to war and the citizens for whom the soldiers are engaged in that conflict. We resolve today that that not happen again.

The War on Global Terrorism, as it has become known, has produced untold heroics, but it has also produced abundant heartache. I say that because this heartache is often overlooked. It touches comparatively few of us. Each of the families of these fallen knew that someday the

uniformed messenger might come knocking at their door, and indeed, that is what happened to them.

Most of the names of the fallen listed in this resolution were only beginning to explore adulthood. Most never knew marriage, divorce, parenthood, wealth, bankruptcy and all the misadventures and serendipitous gifts that fall upon us during the course of a lifetime. They will never know nor experience the wisdom and maturation that comes to us during the last years of our lives. Toward the end, we can look back upon our lives and say, life is beautiful. These fallen soldiers cannot say that, but we can thank them for making it possible for us to do so. The families of these fallen soldiers will live for decades, and they will be left to ponder, "what if he/she had come home ...?" The answers will never be known. I say this because sacrifice is not of the moment; it is enduring. We must remember their sacrifice and the incalculable extent to which it was given. That is what we do today, Mr. President, on this advent of spring's rebirth.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS  
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 193.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Pam Levins, Reese Levins, Burke Levins, Christy Flynn, John Flynn, Joyce Flynn, Roberta Stewart, Sandy Stewart, the Honor Guard from the Nevada Army National Guard: Specialist Curtis Terry, Sergeant Helena Schroder and the Honor Guard from the Nevada Air National Guard: Sergeant Douglas Larson, Sergeant Rafael Chelli.

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

On request of Senator Coffin, the privilege of the floor of the Senate Chamber for this day was extended to Major General Cynthia Kirkland.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Mike Marshall and Dwight Dortch.

On request of Senator Heck, the privilege of the floor of the Senate Chamber for this day was extended to Darrell Wade.

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Leonard Taylor, Terrance McAllister and Vili Fetapai.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Ace Charter High School: Preston Adamson, Alex Bautista, Adam Brayton, Gilbert Breneman, Noah Conrath, Roberto Garcia, Jessie Gregg, Josh Jones, Bernadette Maaka, Bryan Martinez, Jeff Nash, David Shaw,

Marc Tinajero, Amanda Wendland, Jason Williamd; teachers: Leigh Berdrow, Karen Fleischmann and Adam Nicely.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Kelly Roggensach.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to David Roberts and Michael Roberts.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Mallory Levins and Courtney Roberts.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Bill Roberts, Susan Roberts, Terry Lesney, Lauren Morell, Don Morell, Ron Acquistapace and Margot Acquistapace.

Senator Raggio moved that the Senate adjourn until Thursday, March 22, 2007, at 11 a.m. and that it do so in memory of all Nevada citizens who have given their lives in service to their Country: Marine Lance Corporal Nicholas H. Anderson, Las Vegas; Army Sergeant Kenneth E. Bostic, Hawthorne; Marine Lance Corporal Raul S. Bravo, Elko; Army Captain Joshua T. Byers, Sparks; Marine 2nd Lieutenant James J. Cathey, Reno; Marine Lance Corporal Donald J. Cline Jr., Sparks; Army National Guard Specialist Anthony S. Cometa, Las Vegas; Army Corporal Matthew A. Commons, Boulder City; Army Private First Class David N. Crombie, Winnemucca; Army Specialist Jason A. Disney, Fallon; Army National Guard Chief Warrant Officer John M. Flynn, Sparks; Army Sergeant John C. Griffith, Las Vegas; Army Private First Class Daniel F. Guastafarro, Las Vegas; Marine Corporal Jesse Jaime, Henderson; Army Sergeant Robert P. Kassin, Las Vegas; Marine 1st Lieutenant Nathan M. Krissoff, Reno; Army Corporal Stanley J. Lapinski, Las Vegas; Army Corporal Shawn T. Lasswell Jr., Reno; Army Staff Sergeant Emmanuel L. Legaspi, Las Vegas; Marine Lance Corporal Jeremy Z. Long, Sun Valley; Marine Private First Class John Lukac, Las Vegas; Army Corporal Joseph L. Martinez, Las Vegas; Army Sergeant Gordon F. Misner II, Sparks; Army Private Joshua M. Morberg, Sparks; Army Sergeant Eric W. Morris, Sparks; Navy Petty Officer Second Class Eric S. Patton, Boulder City; Marine Lance Corporal Richard A. Perez Jr., Las Vegas; Marine 2nd Lieutenant Frederick E. Pokorney Jr., Tonopah; Army Specialist Ignacio Ramirez, Henderson; Army First Sergeant Carlos N. Saenz, Las Vegas; Marine Corporal William I. Salazar, Las Vegas; Army Private First Class Thomas C. Siekert, Lovelock; Army National Guard Sergeant Patrick D. Stewart, Fernley; Army Specialist Teodoro Torres, Las Vegas; Army Private First Class Phillip B. Williams, Gardnerville.

Motion carried.



Senate adjourned at 12:25 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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