

**THE FIFTY-EIGHTH DAY**

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CARSON CITY (Tuesday), April 3, 2007

Senate called to order at 10:36 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Patrick Propster.

*Psalm 20:*

May the Lord answer you in the day of trouble;

May the Name of the God of Jacob defend you;

May He send you help from the sanctuary,

And strengthen you out of Zion:

May He remember all your offerings,

And accept all your burnt sacrifices.

Selah. (to pause and reflect).

May He grant you according to your heart's desire,

And fulfill all your purpose.

We will rejoice in Your salvation,

And in the Name of our God.

We will set up our banners!

May the Lord fulfill all your petitions.

Selah. (to pause and reflect).

May the God of all peace be ours in abundance this day.

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 Commerce and Labor, to which was referred Senate Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDOLPH J. TOWNSEND, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 498, 518, 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 330, 433; Senate Joint Resolution No. 8 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DEAN A. RHOADS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 2, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 19, 20.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 30, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 311, 348, 383, 521.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 59, 324, 379, 422.

GARY GHIGGERI

*Fiscal Analysis Division*

April 2, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 305, 353, 400, 428, 484.

GARY GHIGGERI

*Fiscal Analysis Division*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the following person be accepted as an accredited press representative, and that she be assigned space at the press table and allowed the use of appropriate media facilities: NEVADA NEWSMAKERS: Lisa Jansen.

Motion carried.

Senator Raggio moved that Senate Bill No. 179 be taken from the Second Reading File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 219.

Bill read second time and ordered to third reading.

Senate Bill No. 391.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 435.

Bill read third time.

Roll call on Senate Bill No. 435:

YEAS—21.

NAYS—None.

Senate Bill No. 435 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywoman McClain and Assemblyman Grady were at the bar of the Senate. Assemblywoman McClain invited the Senate to meet in Joint Session with the Assembly to hear Representative Dean Heller.

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

Senate in recess at 11:03 a.m.

IN JOINT SESSION

At 11:08 a.m.

President Krolicki presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Carpenter and Mortenson, who were excused.

Mr. President appointed a Committee on Escort consisting of Senator Amodei and Assemblyman Hardy to wait upon the Honorable Representative Dean Heller and escort him to the Assembly Chamber.

Representative Heller delivered his message.

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

Thank you, Madam Speaker. It is certainly a thrill and a pleasure to be here, today. It is an honor to have the opportunity to address this body where I started my political career many years ago. Having been on the receiving end of a few of these speeches myself, I understand what all of you are going through. I appreciate your hard work and your effort on behalf of the people of Nevada—they are truly well-served.

It is my understanding that the Nevada Consulate Corps is here, today. I want to welcome all of them. I want to welcome all of the students who are here, today. I hope they are enjoying their spring break. It is probably not the place they want to be on their spring break, but welcome anyway. It is a thrill to have you. I want to take a moment to thank Governor Gibbons for being here, Lieutenant Governor Brian Krolicki, Senator Raggio, obviously the Speaker, members of both Houses, and also those Justices who may be here. I want to thank the Constitutional Officers, especially Ross Miller—congratulations and good luck.

I want to take a minute to recognize Assemblyman Bernie Anderson. He is the last member standing from our freshman class of 1991. My hat is off to you—congratulations. A few of our freshman class are still wandering around these halls including my good friend, Senator Warren Hardy.

As many of you know, I grew up right here in northern Nevada. My wife Lynn, and I raised our four children here. My father's automotive shop was located directly across the street in that, now, empty lot. I spent much of my youth working in that garage sweeping floors, repairing cars, fixing transmissions. I should probably emphasize sweeping floors—at least my father

would remind me of that. The rule at home was that if you were not playing sports or have another job, you had to be working at the shop—so I played a lot of sports. In that shop, my parents taught me the value of hard work, responsibility and, with my five brothers and sisters, the importance, of course, of family. My mother; my sister; my wife Lynn and our daughter Emily are here with us today, and I want to thank them for their tremendous support over the years.

My first job outside the family business was delivering one of the local newspapers. For those of you who remember the *Reno Evening Gazette*, that just goes to show you how old you are. The Capitol Building was on my paper route where I delivered to then-Governor Mike O'Callaghan. Ironically enough, I also delivered the paper to the Secretary of State's Office, then-Secretary Johnny Koontz, not knowing that I would hold that same position 25 years later. I spent most of my time as a child outdoors. Some of my fondest memories as a child are jumping on my bike and riding it to the Carson River to go fishing. Later in life, it was elk hunting near Pioche or deer hunting in the Ruby Mountains. These western values were instilled in me by my family, and in turn, I have tried to pass along these same values to my children. I know many here, today, to share similar experiences.

One of my first impressions in Congress was how well our Nevada Delegation works together. The Nevada Delegation as a whole tries to meet once a month. The House Delegation meets once a week at our constituent breakfast, and while we do not see eye to eye on all issues in Congress, when it comes to Nevada issues, we all work very well together. This is not common in Washington, D.C.—few states have this working relationship. It is important that Senators Reid and Ensign; my House colleagues, Berkley and Porter and I sit down and talk about what is important to our State—placing politics aside so we can get things done. This is something that is all too uncommon in Washington, and I am proud to be a part of this team.

It is not just our federal legislators that work well together, but also our state and local officials. I appreciate the many visits to my office by our public officials. Mayors Cashell, Martini, Gibson, Tedford and Franzoia just to name a few; county commissioners; city council members; NACO and the League of Cities all make an exceptional effort to keep us aware of current issues.

I met with the Nevada Cattlemen's Association in Elko and saw them again in Washington in committee hearings. I was the keynote speaker yesterday for the National Mining Association's spring conference. I spoke on issues concerning mining law changes and global warming legislation, both of which could have a profound effect on their global competitiveness. I did a flyover of White Pine County with Assemblyman Pete Goicoechea and Governor Gibbons to see firsthand the potential effects of water depletion in Snake Valley. I met with Family TIES in Reno to learn about the personal struggles of parents raising children with autism and individuals who live with disabilities. Their information has been critical for me on these issues when they come before Congress. All told, I have had over 200 meetings in my office since I have been sworn in. It is truly an honor to have this opportunity to meet with so many Nevadans, to learn about their concerns and to represent them in Congress.

I have been appointed to three House committees: Natural Resources, Education and Labor, and Small Business. On Small Business, I have been appointed ranking member of the Subcommittee on Finance and Taxation. I have also been elected by my colleagues to a leadership post in the Congressional Western Caucus to promote Western issues in Congress. I have worked to place myself in a position where, even as a freshman, I can be an effective advocate for Western issues and those issues facing Nevada.

The disconnect in Washington, D.C., when it comes to Western issues, is very apparent. Few understand our water issues, mining regulations or federal land management. Only some understand the methamphetamine epidemic in our State. Many do not understand the impact of federal actions on our rural communities. When I talk about the loss of 1.2 million acres of land to wildfires in just one county, I watch their amazement when I explain this is bigger than some eastern states.

This Congress faces difficult choices which will affect the safety and global competitiveness of our Nation. We are engaged in a war in Iraq that is arduous for the American people. Everyone wants to make sure our troops have the resources and reinforcement they need to succeed in their missions. I believe the Congress has two responsibilities under the *Constitution*

*of the United States*: first, to declare war, which it did; second, to decide whether or not to fund that war. What Congress should not do is try to manage this war by setting arbitrary timelines and reckless dates for withdrawal that accomplish nothing but enhance and empower the enemy. What our soldiers do not need are 535 generals who were boldly for the war before they were boldly against it. I stand proudly with 173 House colleagues in signing a discharge petition which would force floor consideration of a bill to fully fund all troops in harm's way. That bill and petition was put forward by Representative Sam Johnson, a decorated Vietnam veteran, who spent nearly seven years as a prisoner of war.

Nevada is home to approximately 300,000 veterans. That number accounts for approximately 16 percent of our population. We owe a great debt of gratitude to our Nation's veterans. They deserve nothing less than the best care possible. With the news of the conditions at Walter Reed Army Medical Center's outpatient facilities, I toured the hospital to see the conditions firsthand. I sent a letter, along with my freshman colleagues, to the President requesting a meeting with the Veterans Affairs Secretary Jim Nicholson to hear his plans for improving veterans' care. I directed my staff to tour or contact all Veterans Affairs medical facilities in Nevada to ensure similar conditions did not exist here at home. Our veterans deserve our full time and attention.

I have cosponsored legislation which would make the deduction of sales tax from federal tax returns permanent and to promote small business growth. Nevada incorporated almost 90,000 new businesses last year alone. I want to see them grow and prosper. However, my efforts in Congress go beyond this legislation. Last week I voted against the proposed federal budget. These are the reasons why.

It included the largest tax increase in American history, \$400 billion over the next five years.

It increased the marginal tax rates to a tune of \$182 billion, including those who can least afford to pay taxes. If you are in the lowest tax bracket, your taxes would be increased by 50 percent.

It includes the reinstatement of the death tax.

It reduces the child tax credit from \$1,000 to \$500 per child. Last week, I offered an amendment to protect the child tax credit beyond its current expiration date in 2011, but the amendment was rejected. My argument was a child was not going to cost less after 2011 than a child costs today.

It increases the capital gains and dividend taxes to a tune of \$32.5 billion. It also includes a reinstatement of the marriage-penalty tax.

I'm concerned with the impact this legislation will have on middle income America and their ability to save and invest. These tax increases will increase the tax burden on every Nevada family of four by nearly \$3,000 a year. Nevadans deserve better.

I have become a cosponsor of the Social Security Fairness Act. This legislation would repeal Social Security's offset requirements for an individual's pensions and benefits, helping Nevada's seniors to have a better quality of life. In addition, this benefits our public employees such as police and schoolteachers.

Finally, on healthcare, this body and Congress continue to struggle with finding ways to help 46 million uninsured Americans. Sixty percent of those uninsured are employed by small businesses. Their health-insurance premiums should be 100 percent tax deductible. Additionally, more Americans should have access to health-savings accounts, which would inject some competition into our health-care industry. I have signed on to the Small Business Health Fairness Act, which would allow for the establishment of association health plans. These plans would create a multistate standard available through professional organizations so small businesses could group together and offer affordable health insurance to their employees. This practice is what large corporations and labor unions do all the time. These steps are the first to start lowering the number of uninsured in our Country.

There are many other issues which should be discussed. Congress is due to reauthorize the No Child Left Behind Act this year. I will have a key part in that debate as a member of the Education and Labor Committee. The reauthorization of the Nevada Check-Up program is also due this year. This program has provided services to impoverished children in Nevada since 1998. I look forward to working with this body on these key issues as legislation moves forward.

I appreciate all the hard work and effort you put forward on behalf of all Nevadans. I appreciate the longstanding relationship I have with many who are in this body, and I look

forward to expanding those relationships as we work together to solve these issues facing Nevada. Thank you very much. May God bless you and this great State.

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

Motion carried.

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

Senator McGinness moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:27 a.m.

#### SENATE IN SESSION

At 11:32 a.m.

President Krolicki presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 47.

#### 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 Gayle Anderson.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Wayne Tanaka.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Kathleen Messer, Mary Lou Warden and Carrie Hite.

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

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Rachel Scroggins, Brian Scroggins Jr., Jonathan Scroggins, Kaley Andersen, Brent Reed, Samatha Benites and Shawna Owen.

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

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

On request of Senator Lee, the privilege of the floor of the Senate Chamber for this day was extended to Aldo Aguirre.

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

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Ryan Nolan.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to former Lieutenant Governor Lonnie Hammargren and the following students and teachers from Jessie Beck Elementary School: Christopher Arbogast, Kylie Boes, Jacob Carson, Sara Dunagan, Teela Earl, Jacob Frisch, Jacob Fuller, Aleana Geyer, Christina Harrison, Eric Irra, Julian Jamerson, Guadalupe Lara Hernandez, Marcus Lauer, Lauren Laughton, Taylor Laughton, Kyle Mahaffey, Terence Mason, Gabryelle Morgan, Alexander Pavia, Patrick Phelps, Sandra Plascencia, Mulu Salavea, Tiana Santee, Brenna Scott, Brian Serratos, Shalen Shaw, Justin Smothers, Vendela Staley, Bryan Zaragoza Resendiz, Nathan Allen, Ryan Anderson, Andres Avalos, Leonardo Berumen, Victoria Boldi, Jonathan Cantlon, Dylan Cornell, Erica Foote, Maxwell Georgeson, Abigail Gomo, Hunter Hogan, Keith Hollimon, Megan Holtorf, Stephanie Huntley, Michael Kirchhefer, Gavin Lienhardt, Lindsay Ligon, Olivia Lowden, Juan Morales, Kierann O'Hara, Amber Orton, Jesus Pena, Claire Pierce, Savannah Schulze, Casey Tait, Ryan Tatem, Brett Thompson, Ana-Marie Turner, William Turnier, Osvaldo Vazquez, William Yopez, Breann Almond, Emily Ames, Morgan Beye, Mary Buckingham, Christopher Casaceli, Justice Corona, Elizabeth Di Cioccio, Miah Englund, Oscar Garcia Zuniga, Katja Hermann, Shefain Islam, Jared Johnson, Anthony Keith, Norma Lara Hernandez, Cassondra Long, John Mendelsohn, Sierra Monjar, Eric Moye, Jeremy Oleson, Katelyn Randall, Naomi Reyes, Karla Rodriguez, Moises Rodriguez, Melissa Rytting, Reina Salas Reyes, Ron Axel Salvanera, Nick Schab, Jose Segura Camargo, Edwin Serratos, Jacob Toman-Ibarra, Ian Welch; teachers: Bonnie Serpa, Connie Bland and Heather Thaxton.

On request of Senator Schneider, the privilege of the floor of the Senate Chamber for this day was extended to Astra Michels.

On request of Senator Titus, the privilege of the floor of the Senate Chamber for this day was extended to Mariano Lemus and the following students, principal and teaching assistant from the Pioneer High School: Corrina Acebedo, Ryan Baden, Candice Duran, Victoria Espinosa, Daniel Feagan, Jordon Hoefling, Valerie Jim, Antonio Ledesma, Melissa Moline, Juan Monrroy, Molly Mygatt, Kyle Petterson, Rebecca Sim, Frank Six, Stephen Watson, Jake Weeks, Ian Anrig, Irene Marquez, Melissa Mulder, Kelli Davis, Aaron Wallace, Zaide Diaz, Kaitlin Saucedo, Donivan Dean, Maria Peregrina, Jasmine Robertson, Laura Munoz, Kyle Vaughn, Kritten

Prapatanunt, Ashley Young, Matt Torres, Steven Kunz, Steven Smith, Chad Yount, Julie Gabica, Pamela McMullan; principal: Mark VanVoorst and teaching assistant: Cheryl Leonard.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Jerome Snyder.

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

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

Senator Raggio moved that the Senate adjourn until Wednesday, April 4, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 11:33 a.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

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