

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 18, 2009

Assembly called to order at 11:15 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. Your word is a lamp unto our feet and a light unto our path. Cast Your light upon the issues facing us today. Grant these legislators clarity of vision, understanding, and wisdom in order for them to make good decisions that will improve the lives of all. I pray in the Name of the One who is the Light of the World.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin 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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 17, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 6 and 7.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Stewart, Settlemeyer, Hogan, Gansert, Christensen, Grady, Hardy, Manendo, and Munford:

Assembly Bill No. 188—AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to waive certain fees and tuition for a child, widow or widower of a person who was killed while serving in the Nevada National Guard; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hogan, Kihuen, Pierce, Ohrenschall, Denis, Manendo, and Mortenson:

Assembly Bill No. 189—AN ACT relating to property; extending the period of time that a tenant has to comply with certain notices and

requirements to avoid being guilty of unlawful detainer; extending the period of time that a tenant has to comply with a notice to quit under certain circumstances; extending the period of time before which certain court orders become effective; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Leslie, Ohrenschall, Segerblom, Buckley, Atkinson, Claborn, Hogan, Horne, McClain, Munford, and Pierce:

Assembly Bill No. 190—AN ACT relating to the death penalty; establishing a moratorium on the execution of sentences of death; providing for a study of issues regarding the death penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Denis, Kihuen, Parnell, Hardy, Anderson, Leslie, and Smith:

Assembly Bill No. 191—AN ACT relating to education; removing the prospective expiration of a requirement that certain physical examinations in public schools include an examination of the height and weight of a representative sample of pupils; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Kirkpatrick, Conklin, Hardy, Aizley, Bobzien, Denis, Koivisto, and Pierce:

Assembly Bill No. 192—AN ACT relating to local government purchasing; making various changes to the provisions governing performance contracts entered into by local governments for operating cost-savings measures; 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 Kirkpatrick, Bobzien, Hardy, Conklin, Aizley, Denis, Koivisto, Pierce, and Settlemeyer; Senators Coffin and Care:

Assembly Bill No. 193—AN ACT relating to state financial administration; requiring certain governmental entities to report periodically to the Interim Finance Committee concerning the collection and abatement of fees and taxes; 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 Goicoechea, Bobzien, Hambrick, and Settlemeyer (by request):

Assembly Bill No. 194—AN ACT relating to wildlife; expanding the system of assessing demerit points for wildlife convictions to include certain convictions concerning master guides and subguides; prohibiting a person from providing compensation to a person acting as a master guide or subguide without proof of licensure; requiring a master guide or subguide to report certain violations relating to wildlife; increasing the penalty for acting as a master guide or subguide without a license issued by the Department of Wildlife; providing penalties; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Goicoechea, Goedhart, Hardy, Cobb, Carpenter, Christensen, Grady, Hambrick and Settlemeyer; Senator Rhoads:

Assembly Bill No. 195—AN ACT relating to public works; raising the estimated thresholds at or above which prevailing wage requirements apply to certain construction contracts; revising the description of contractors whom the Labor Commissioner must survey to determine the prevailing wage; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 196—AN ACT relating to public health; revising provisions relating to the licensure of facilities for refractive surgery; providing for the closure of a facility for refractive surgery if the facility is operating without a license; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 46.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 46.

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

Motion carried.

Assemblyman Ocegüera moved that the Assembly recess until 11:50 a.m.

Motion carried.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblywoman Smith and Assemblyman Denis as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

The members of the Senate appeared before the Bar of the Assembly.

Madam Speaker invited the members of the Senate to chairs in the Assembly

IN JOINT SESSION

At 11:58 a.m.

President of the Senate 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 Assemblyman Hambrick, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Weiner and Assemblyman Ocegüera to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, 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 Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FIFTH SESSION, 2009

This past Thursday, America celebrated the 200th birthday of its greatest president, Abraham Lincoln. The day before, I attended a ceremony at Ford's Theater, the site of his assassination at the hands of John Wilkes Booth. The next day, Thursday, I joined President Obama at a ceremony honoring Lincoln in the Capitol Rotunda.

The week's ceremonies afforded us the opportunity to think about the many special qualities of Abraham Lincoln that have captured our national imagination for these many years. I think the trait that I most admire about Lincoln is his unsurpassed ability to bring people together.

Days after he won re-election in 1864 to a second term, a term that would last about a month before his assassination, President Lincoln delivered an informal victory speech. With the Civil War nearly over and the Union's victory secure, Lincoln spoke of the task that was ahead, that must have seemed nearly as daunting as the war itself: how to restitch the broken bonds of our war-torn country. He said, "Now that the election is over, may not all, having a common interest, reunite in a common effort to save our common country." President Lincoln died before the Union would be fully secured, but he left our nation a legacy that we must never forget—that in our darkest hours, when the challenges we face seem the most difficult, a vigorous pursuit of common ground will always light our path back home.

I have had the pleasure of addressing the Nevada Legislature many times throughout the course of my career. When I was a member of the Assembly, our sessions were held in the Capitol. Today, as always when I return, thoughts flood my mind of my six years as part of the Nevada State Legislature. For example, my vote was one that helped create this beautiful Legislative Building where we now gather. My years as President of the Senate cause me to reflect and be reminded of the best friend I ever had, the late and legendary Governor Mike O'Callaghan.

So in short, I look forward to today and every opportunity to visit old friends and share my thoughts on the legislative issues that confront our state and our country. We have met in prosperous times, some more so than others. In recent years, Nevada's economic growth has been so dramatic that our state's future seemed to be rolling along on the wheels of destiny. Today we are not so fortunate. A national economic collapse beyond our state's control has brought our progress to a dramatic halt. A triple punch of corporate greed, consumer debt, and lax government oversight has left Nevada and our country facing the worst financial crisis since the Great Depression. This vicious cycle of job loss, home foreclosures and declining tourism has left our state with plunging revenues, forcing you, our state legislature, to make difficult choices that threaten the progress we have made in years past. These are difficult facts to face. I wish I could come to you in better times with better news. I know you would prefer to be legislating for prosperity rather than recovery. But the people of Nevada deserve to know what is at stake. Every Nevadan should see the need for bold action and become engaged in the pursuit of near and long-term solutions. On the day he was elected President of our great nation, Barack Obama began working on a plan to address the economic crisis he inherited: spiraling unemployment, plummeting home values, and unchecked greed on Wall Street.

Last week, Congress completed action on the President's recovery plan. Despite our affection for President Obama and the strong Democratic majorities in Congress, we did not simply rubber stamp the President's plan. Democrats and Republicans engaged in a serious and vigorous debate, and ideas from both parties were adopted to improve this historic legislation. This bill had broad bipartisan support, especially from Republican governors from California to Florida and the states in between. In fact, we would not have passed the bill without the courage of three independent-minded Republicans. We have 58 Democrats in the Senate, soon to be 59, but we need 60 votes to end a filibuster. After marathon negotiations, Republican Senators Olympia Snowe, Susan Collins, and Arlen Specter joined Democrats to enable this clearly-needed legislation to pass the Congress so it can make its way to the President, who turned it into law with his signature in Denver yesterday.

Since this bill passed on Friday, there have been numerous accounts of the positive impact on our country. I am now going to spend some time talking about what it does for Nevada.

For Nevada, the bill we passed has three main components. It will protect and create 3.5 million jobs across our country, with tens of thousands of jobs right here in Nevada, with 90 percent of these jobs created in the private sector; this legislation will provide tax relief for Nevada's middle-class families struggling to make one paycheck last until the next one arrives; and it makes critical investments in education, transportation, renewable energy, and workforce training to pave the road for long-term recovery.

The total cost of this plan is significant, but economic experts from both sides of the aisle agree that bold action is needed and was needed. At a recent meeting in the Capitol, Mark Zandi, John McCain's chief economic advisor; Alan Blinder, a Clinton economic guru; and Martin Feldstein from prior Republican administrations, all told us that a bill such as the one we passed was essential to the country's economic recovery.

This legislation invests our tax dollars. But unlike the fiscal policies of the past decade, this plan recognizes that every dollar spent belongs to the American people. That is why it ensures accountability, transparency and oversight. It is not meant to line the pockets of the corporate CEOs who helped create this mess. Here at the state level, it is not meant to plug every budget hole to let leaders at the state and local levels avoid their responsibilities.

This important plan has one meaning for Nevada and our country: jobs, jobs, jobs, and more jobs. We invest hundreds of millions of dollars for highways, roads, bridges and another \$50 million for mass transit here in Nevada. This will put people to work immediately. It will cause money to flow into Nevada for water and sewer projects that could approach \$100 million. We empower the private sector to put thousands of people to work turning the sun, the wind, and geothermal energy into the electricity that will help curb our use of fossil fuels and make us more energy independent. We help businesses grow and create jobs with new forms of tax relief, including a provision that allows half the cost of capital investments to be deducted and a 100 percent deduction for small businesses. We invest nearly half a billion dollars in schools—technology in those schools, classrooms, labs, and other education programs to ensure that Nevada has a competitive workforce to attract new and innovative businesses.

The economic recovery plan also provides immediate assistance to Nevadans who are struggling to pay the bills, find a job, and in fact keep their heads above water. That means tens of millions of new dollars and benefits. It will mean that 200,000 Nevadans who have lost their jobs in this recession will receive \$100 more per month to help make ends meet. And we help return our unemployed to the workforce by investing millions more in worker training and placement programs.

We provide new funding for school lunches, food stamps, child care services, and meals for senior citizens. We make a nearly half billion dollar investment in FMAP (Federal Medical Assistance Percentages) which will alleviate the pressure state Medicaid and county indigent care have and others areas of our state that have desperate budget needs. This is the largest percentage increase in FMAP funding for any state in the country.

We address the housing crisis by providing an \$8,000 tax credit for first-time homebuyers and a program to help state and local governments, in partnership with community-based organizations, to purchase, build, and rehabilitate affordable housing.

And nearly all Nevadans will receive tax relief, with almost one million of our state's workers and their families receiving a \$400 tax cut for individuals and \$800 for married couples, and a \$2,500 tax credit to help 32,000 Nevada families afford the cost of a college education.

Economists are confident that this plan will work. But we must remember that it is just the first leg of a three-legged stool. The second leg will be a comprehensive response to our housing crisis, as outlined in significant detail today by President Obama in Mesa, Arizona. The third leg will reform our broken banking system to get money flowing again with new accountability. We need regulation, but always remember what we do in government. We have to regulate just right because too much regulation is just as bad as not as not enough regulation.

We cannot expect our economy to turn around overnight. The people of Nevada understand that you cannot dig out of an eight-year ditch in eight weeks or even eight months. Nevadans have patience for the long road that lies ahead. But they do not have patience for more politics of finger pointing, foot dragging, or blame-shifting. As of yesterday, with the bill signing and new help for housing, the climb out of the big ditch has begun.

In the short time since President Obama took office, we have already seen a shift in the tone of Washington, D. C. No one expects Democrats and Republicans to suddenly agree on everything, but we have been engaging in serious pursuit of common ground, and that's a welcome change for all Americans. In just the first few weeks of this, the 111th Congress, we have not only passed the economic recovery plan, but also a lands bill that will protect Nevada's great outdoors, help the Reno economy through ReTRAC, enhance private development in Henderson. It even provides land for the expansion of the Nevada Cancer Institute, one of the country's premier treatment facilities for cancer. I am also happy to report the Carson City Land's Act that balances development and preservation in Carson City, which is part of this bill. In addition to what this legislation does for Nevada, it creates wilderness areas throughout the country, preserves our national parks, and as pundits and editorial writers all over this country have said, it is the most important environmental legislation to pass Congress in more than a quarter of a century. We passed the Lily Ledbetter Fair Pay Act to ensure pay equity in the workplace—legislation leading toward equal pay for men and women.

We also passed, on a bipartisan basis, a new Children's Health Insurance Program to provide quality coverage for kids who are sick. This is for millions of children, including tens of thousands here in Nevada. This includes regular doctor's care and the medicine they need to stay healthy.

One thing is also certain: that because of a provision I forced into a bill late last year, for the first time Nevada counties will receive full funding for county payments and Payments In Lieu of Taxes, which translates into millions of dollars for our state. So whatever problems we face today have been greatly lessened as a result of that legislative victory. This is especially so in rural Nevada. None of these major accomplishments would have been possible without serious-minded people from both parties working as partners.

The winds may be shifting in Washington, but bipartisanship is nothing new in Nevada. I am confident Speaker Buckley and Minority Leader Gansert are working together for the betterment of Nevada. In the Senate, young, talented Majority Leader Horsford will work in tandem with one of Nevada's historical figures, Minority Leader Raggio.

The winds have definitely shifted in one area for Nevada with this new administration, and that is the fight on Yucca Mountain. Now instead of fighting against the storm, Nevada has the wind at its back. In partnership with the other delegation members and state constitutional officers, we should finally see the Yucca project come to a close. I am doing everything that I can to stop the dump, but I am not the only one involved in this fight. This is not the time for the state to back off by cutting funding for the legal battles that are still being fought. We are in the last lap of the race, and Nevada needs every weapon to finally win this 20-year-plus battle.

I know that there is already debate on the best way to invest some portions of our state's recovery funds. The top consideration must be how we can put the most people back to work and rebuild Nevada's economy the most quickly. Any legislation is imperfect. As you know, legislation is the art of compromise. Legislation is the art of consensus building. Parts of this legislation will prove to be even better than we anticipate, but other parts of it may not meet our expectations. Together, this plan will work for Nevada.

In the words of President Lincoln, "I do the very best I know how, the very best I can. And I mean to keep on doing it to the end. If the end brings me out all right, what is said against me will not amount to anything. If the end brings me out all wrong, ten angels swearing I was right would make no difference."

The scope of this crisis may be unprecedented in our lifetimes, but we have faced our share of challenges before and risen to the occasion each time.

We may not know exactly when this crisis will end, but I am confident, with the signing of the economic recovery package and today's announcement in Phoenix by President Obama, that history will record yesterday—and yes, today—as the time when recovery began. Thank you all very much.

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

Seconded by Assemblyman Ocegüera.
Motion carried unanimously.

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

Senator McGinness moved that the Joint Session be dissolved.
Seconded by Assemblyman Conklin.
Motion carried.

Joint Session dissolved at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:22 p.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Ocegüera moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:25 p.m.
Madam Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Bailey.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Al Martinez and Becky Estrada.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Neal Kornze, Leah Chubb, Don Clark, and Susan Clark.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Hoffman, Colette Burau, Bill Bible, Ken Cervantes, Marilyn Cervantes, Gene Sullivan,

Anita Sullivan, Deanne Davidson, Kim Foster, Paul Davidson, Colette Bura, Vickie Bates, Joetta Brown, Christi Aldinger, Matthew Benton, and Charlie Seeman.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Emilie Wurster and Cooper Christensen.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Clapp.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Brockhage and Amanda Dykes.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Diss and Alicia Taylor.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Armando Denis and Novella Kowallek.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Double Diamond Elementary School: Edwin Aguirre, Erick Aguirre, Sienna Bates, Jacob Casquejo, Kim Doan, Khue Doan, Brandon Fitzmaurice, Victoria Fitzmaurice, Johni Gumm, Alyssa Mayer, Ariana McConnell, Jorge Mejia, Ramon Mendoza-Moya, Taylor Neely, Zachary Whitely, Koa LaRose, Cierra Ucovich, Abigail Koehnlein, Zohra BenBrahim, Ashley Edwards, Christhea Balcon, Joseline Trujillo, Garrett Schotborgh, Hannah Cordero, Matthew Dace, Christian Gamit, Felicia Dietz, Chelsea Almanzar, John Alvarado, Alexandria Brooker, Adam Dean, Felicia Dietz, Riley Elsmore, Taylor Estes, Erik Gill, Tasnim Halim, Andrew Herschbach, Brett Hertzler, Casey Howells, Erin Hunt, Margaux Larsen, Heather Lindenberg, Ericka Logan, Abbie Malabuyoc, Joshua McDaniel, Jimmy Moran, Allison Munson, Eric Ruz, Veronika Scavacini, Emily Sirlock, Olivia Smirlock, McKenzie Taylor, Allison Wales, Kyle Wilson; teachers Clarisse Mayer and Courtney Hurlbert; Andrew Hettrick, and former Assemblyman Lynn Hettrick.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Cassidy Radtke, Deanna Abbott, Katherine Drew, and Jonathan Cockroft.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Hanna Rutherford.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Breslow.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sheree Rosevear.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Darby and Jill Crandall.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Persaud and Nathan Ring.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Horgan and Jackie Valley.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Cabrera, Mark Barry, Edwin Suarez, and Greg Brower.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne Moore and Elizabeth Hudson.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Hackman, Tamrah Torres, and Breanne McMeans.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Manning.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph Toddre, former Assemblywoman Genie Ohrenschall and Frank Daykin.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Sasser.

On request of Assemblyman Settlemeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Morris and Colin Philips.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Robert McGowan, Chris Kanowitz, and Chris Beucherie.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Hunter Watterson.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Cheyenne Contreras and Elizabeth Contreras.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, February 19, 2009, at 11:30 a.m. and that it do so in memory of Army Staff Sergeant Sean Diamond.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly