

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 18, 2009

Senate called to order at 11:14 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gary Gryte.

Father in Heaven, we pray for courage: to do the right thing, to put You first in our daily walk, to honor the weak and to defend those we could easily dismiss.

Help us to be Godly in our dealings with each other. Bless us all. Bring us comfort, contentment and happiness in a difficult world.

We ask all in the Name of Jesus.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford 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.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 146—AN ACT relating to the Department of Wildlife; providing funding to the Department of Wildlife for certain projects; and providing other matters properly relating thereto.

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

Motion carried.

By Senators Wiener, Care, McGinness, Copening and Schneider:

Senate Bill No. 147—AN ACT relating to emergencies; requiring broadcasters in this State to develop plans for preparing for and responding to emergencies and disasters; authorizing the Nevada Broadcasters Association to establish a program for the training and certification of first response broadcasters in restoring, repairing and resupplying facilities and equipment during an emergency or disaster; providing that broadcasters and first response broadcasters must be given certain priority for equipment and supplies during an emergency or disaster; providing that certain equipment and supplies of a broadcaster or first response broadcaster must not be confiscated during an emergency or disaster; and providing other matters properly relating thereto.

Senator Wiener moved that the bill be referred to the Committee on Energy, Infrastructure and Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 23.

Bill read second time and ordered to third reading.

Senate Bill No. 100.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 46.

Bill read third time.

Remarks by Senator Woodhouse.

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

Mr. President, Senate Bill No. 46 allows commercial carriers to deliver the written notices of personnel actions about dismissal, involuntary demotion, or suspension to certain state employees. Under the measure, the carrier must provide proof of the date of deposit and delivery of the notice. The effective date of the dismissal, involuntary demotion or suspension is deemed to be the date of delivery. If the notice is undeliverable, the effective date is three days after the date on which the notice was deposited with the commercial carrier for delivery.

This bill is effective on July 1, 2009. This measure was requested by the State's Department of Personnel. Under current law, such notices must be delivered either in person or by certified mail. This bill provides an additional method for such deliveries.

Roll call on Senate Bill No. 46:

YEAS—19.

NAYS—Carlton, Mathews—2.

Senate Bill No. 46 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 until 11:45 a.m.

Motion carried.

Senate in recess at 11:23 a.m.

SENATE IN SESSION

At 11:54 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywoman Smith and Assemblywoman Denis were at the bar of the Senate. Assemblywoman Smith invited the Senate to meet in Joint Session with the Assembly to hear Senator Harry Reid.

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

Senate in recess at 11:55 a.m.

IN JOINT SESSION

At 11:58 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 Assemblyman Hambrick, who was excused.

Mr. President appointed a Committee on Escort consisting of Senator Wiener and Assemblyman Ocegueda to wait upon the Honorable Senator Harry Reid and escort him to the Assembly Chamber.

Senator 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 reelection 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 through 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 of 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, \$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. We have to regulate just right because too much regulation is just as bad 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 is 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, which balances development and preservation in Carson City, 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. 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.

Motion carried.

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

Senator McGinness moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 12:21 p.m.

SENATE IN SESSION

At 12:25 p.m.

President Krolicki presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers 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 Smirlock, Olivia Smirlock, McKenzie Taylor, Allison Wales, Kyle Wilson; teachers: Ms. Mayer and Mrs. Hurlbert.

Senator Horsford moved that the Senate adjourn until Thursday, February 19, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 12:26 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate