

**THE SEVENTEENTH DAY**

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CARSON CITY (Wednesday), February 20, 2013

Senate called to order at 11:22 a.m.

President Krolicki presiding.

Roll called.

All present except Senators Hutchison and Kieckhefer, who were excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Today is February 20, or 2/20. I thought it would be appropriate to read a verse from the Bible, and it happens to be Proverbs 2:20: "So you may walk in the way of goodness and keep to the paths of righteousness."

Lord, from economic recovery to taxes, and from education to the creation of jobs, our plates are full. In all these things and others, we pray that we walk in those paths of goodness and righteousness. Please lead us, and please help us to follow.

We pray in the Name of the One who created and walked those paths.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

**REPORTS OF COMMITTEES**

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 17, 32 and 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

**INTRODUCTION, FIRST READING AND REFERENCE**

By Senators Hutchison, Gustavson, Spearman, Cegavske, Hammond, Ford, Kihuen, Settlemeyer; Assemblymen Paul Anderson, Fiore, Duncan and Stewart:

Senate Bill No. 174—AN ACT relating to public property; authorizing the Governor to require the naming of a state building, park, highway or other property after a deceased member of the Armed Forces of the United States under certain circumstances; creating the Citizen Commission on Veterans Memorials; setting forth the membership and duties of the Commission; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Senate Bill No. 175—AN ACT relating to public safety; revising the manner in which a chemical solution or gas used in calibrating a device for testing a person's breath to determine the concentration of alcohol in the

person's breath is presumed to be properly prepared and suitable for use in calibrating the device; revising provisions concerning the affidavit or declaration used in criminal or administrative proceedings to prove that a chemical solution or gas has the chemical composition necessary for accurately calibrating such a device; and providing other matters properly relating thereto.

Senator Manendo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Senate Bill No. 176—AN ACT relating to children; requiring an agency which provides child welfare services to determine whether certain reports concerning the possible abuse or neglect of a child are substantiated or unsubstantiated; setting forth that if such an agency substantiates a report alleging the person responsible for a child's welfare has abused or neglected the child, the agency must notify that person in writing of its intent to place the person's name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, and that the person may administratively appeal the substantiation of the report; requiring the findings of fact in certain adjudicatory hearings to be included as part of the disposition of the case in the report required to be made to the Central Registry; and providing other matters properly relating thereto.

Senator Smith moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Senators Settlemeyer, Hardy, Cegavske, Goicoechea, Gustavson, Hammond, Hutchison, Jones, Kieckhefer, Segerblom, Woodhouse and Assemblyman Wheeler:

Senate Bill No. 177—AN ACT relating to tobacco; prohibiting a minor from committing certain acts relating to the possession and use of tobacco products; and providing other matters properly relating thereto.

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

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 15 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Senate in recess at 11:33 a.m.

## SENATE IN SESSION

At 4:48 p.m.  
President Krolicki presiding.  
All present.

## MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblymen Bobzien and Ellison were at the bar of the Senate. Assemblyman Bobzien invited the Senate to meet in Joint Session with the Assembly to hear U.S. Senator Harry Reid.

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

Senate in recess at 4:49 p.m.

## IN JOINT SESSION

At 5:00 p.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.

The President appointed a Committee on Escort consisting of Senator Woodhouse and Assemblyman Horne to wait upon the Honorable U.S. Senator Harry Reid and escort him to the Assembly Chamber.

U.S. Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA  
SEVENTY-SEVENTH SESSION, 2013

It is a pleasure to return to Carson City and an honor to speak with you. Governor Sandoval, Speaker Kirkpatrick, Majority Leader Denis, members of the Court.

It has been my good fortune to address the Nevada Legislature during 15 Joint Sessions. Each occasion has been an opportunity to reflect on the unique nature and responsibilities of our State and our State Legislature.

Serving in the legislature is a blessing, but it can also be a burden. Let me tell you why. The laws of the land are written by the men and women in this Chamber, not by the Governor or judges, who only interpret the laws you write. The word Legislator literally means “bringer of laws.” As you craft those laws—whether you’re from Gerlach or Las Vegas, Searchlight or Reno, whether you’re a Republican or a Democrat—the people of Nevada depend on you.

As President Lyndon Johnson said: “Many men can make many proposals. Many men can draft many laws. But few have the piercing and humane eye which can see beyond the words to the people that they touch.” I pledge to do all I can to support you as you seek to see beyond the words, beyond the proposals and even beyond the laws you write to see the people we represent.

The last time I spoke before this Body, the State was in the midst of a Great Recession; a recession that hit every state hard, but hit our State the hardest. Thousands of Nevadans had lost their jobs, lost their homes and many had lost their hope. As the national economy suffered Nevada tourism bottomed out and gaming revenue declined across the State. The advent of Indian gaming in California affected Reno and the rest of Nevada adversely. And while Sierra Nevada Corporation, Amazon and an Apple tech center have brought jobs to the region, Northern Nevada families and businesses are still struggling. In Washoe and Clark Counties,

homebuilding dropped and foreclosures spiked. And while home buying has increased, foreclosures are still far too high. Although Nevada's economy is not back to full strength, progress has been made over the last two years.

Now, as we emerge from those difficult times, it is crucial that we renew our investments in the future, in education, public safety and clean energy. These investments will help us prosper in the short term, and protect us against another downturn in the long term. Such investments are easy to postpone when times are hard.

Let me share this one example. In 2004, the residents of Clark County decided they needed more police officers on the streets and voted for a small sales tax increase to pay for them. This Legislature provided half the increase in 2005, but told law enforcement to return to ask for the other half. Clark County law enforcement officials have waited seven years to put more cops on their beats, and the people they protect can wait no longer. Putting more police on the streets is very vital to ensuring our neighborhoods are safe. It's also vital to ensuring that the more than 40 million people from around the world who visit Las Vegas each year feel secure. As a world-class tourist destination, we have a responsibility to protect our visitors as we protect our own families. It's time the Legislature met its pledge to grant law enforcement the second half of what the voters already approved. I congratulate Governor Sandoval for respecting the wishes of Clark County voters and supporting this tax increase.

I also applaud Governor Sandoval for his role in our State's efforts to implement the healthcare reform law. I am pleased I was able to facilitate conversations between the Governor and the White House, paving the way for 78,000 Nevadans who would not otherwise qualify to access affordable health insurance.

The Silver State Exchange is used as a model for other states. The tax credits available in the exchanges, coupled with the expansion of Medicaid, will bring an unprecedented level of federal funding to our State, create jobs and provide care for tens of thousands of Nevadans who are currently living without health insurance.

Nevada takes pride in caring for visitors from across the world, as it should. But it's also crucial that we care for our fellow Nevadans, ensuring the health of all our citizens, especially those who need extra help during these very challenging times.

When it comes to entertaining guests, Las Vegas is the gold standard. We have the best casinos, clubs, dining, entertainment and shopping in the Nation and probably the world. The city is home to some of the most exciting sporting events, including boxing, rodeos, soccer and mixed martial arts, not to mention UNLV basketball. But despite a decade of rumors and several concrete proposals, Las Vegas still doesn't have a major, multi-use arena—the kind of stadium that could host anything from a concert to a major sporting event. A new arena could be the next frontier for this pioneer town. But to make a top-notch stadium a reality, it will take top-notch cooperation between Clark County stakeholders.

For proof of what just one driven person can do, let's take a look at Tony Hsieh and Zappos. Tony revitalized the old City Hall and his investment has spurred new businesses by the score to relocate to downtown Las Vegas. With the success of the new Smith Center, downtown has changed dramatically.

When a community unites behind an idea, marvelous things are possible. I realize there are many hurdles to overcome to turn dreams into a dome, including finding a way to finance such a huge undertaking. Those decisions, how to finance the project and where to locate it, will be made at the local level, as it should. But it's time we united around this idea to move Southern Nevada's economy forward.

Tourism has always been Nevada's lifeblood, and will continue to be its signature industry, but the recent downturn reinforced the need for Nevada to diversify its economy. To stay competitive, we must invest in the future, and the future begins in the classroom.

In his first State of the Union address, long before standardized tests or races to the top, President George Washington spoke about the value of education. Here is what President Washington said, "There is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness."

Much has changed since 1790. But those words are as true today as they were 230 years ago. Education is not only the key to America's happiness, it is the key to America's competitiveness. Today's students will compete for tomorrow's jobs with peers from neighboring states and far

away nations. But while other countries are investing in education, this Nation, and Nevada in particular, is lagging. Since 2008, state and local budget cuts have cost this country more than 300,000 education jobs, including thousands in Nevada. Our largest school district, Clark County, lost more than 2,500 education jobs, including more than 1,000 teaching positions. And Washoe County schools lost more than 200 classroom jobs, a five percent reduction in staff since the recession began.

Nevada can no longer afford to put off investments in the future of our children. If we ever hope to compete with students from Tucson or Burbank, never mind students from Tokyo or Berlin, we must adequately fund education today.

As technology changes rapidly, the job market changes rapidly as well. So do students' educational needs. If America is going to train the next generation of scientists and engineers, it will need more and better trained science and math teachers.

Nevada is no exception. Our students consistently perform below their United States peers in math and science. Nevada teens that go on to college are also less likely than their peers across the country to study the STEM fields of math, science, engineering or technology.

Our students are bright and inquisitive. And our teachers are talented and dedicated. I recently had a conversation with one of my grandchildren, Piper, who goes to school in Clark County. She is learning math in third grade, math that I never learned in high school. Her teachers, and all of Nevada's exceptional teachers, do so much with so little. Imagine what they could achieve if we gave them the resources they need and our children deserve. We ask so much of these teachers, but we don't always provide them the support and resources they need to succeed.

Many students learn statistics or science from teachers who know more about Social Studies or sonnets. Many of the educators teaching our kids math and science weren't required to even study math and science. Only one percent of fourth grade teachers majored in math in college, although every single one of them teaches math, every single day.

Both teachers and students need more access to role models in the STEM fields. They need more field trips to understand how businesses operate and learn skills successful workers possess. They need more internship opportunities to build new interest and skills.

Across the country, school districts are looking for creative ways to meet the need for STEM educators. In Wisconsin and New Jersey, it's teachers who are getting an education. Those states provide college-level math and science courses for STEM teachers. Arkansas has recruited 120 science and technology industry professionals to attend a fast-tracked teacher certification program in exchange for three years teaching in high-risk schools. And in half a dozen cities across the country, Math for America, founded in New York City by a brilliant mathematician, Jim Simons, is recruiting math and science graduates to teach in urban schools. The program offers financial incentives and meaningful professional development to keep those recruits in the classroom, where these teachers are thriving and helping students excel in math and science.

In Nevada, the Desert Research Institute offers free professional development and training for teachers who want to learn about environmental and climate science. DRI has trained 800 teachers from 134 schools in 10 Nevada counties. The Institute also sends teachers "green boxes," hands-on science projects they can use in the classroom, with all the supplies from cotton balls to glue.

These successful programs should serve as examples of how K-12 schools can partner with colleges, universities and yes, the private industry.

But DRI's small but growing program is funded by donations from NV Energy customers. As a State, we shouldn't rely on the kindness of a few to ensure our children succeed. We must invest in creative, large-scale programs that will better prepare teachers and students.

Helping students excel also means ensuring they have the emotional support they need. The events of recent months remind us that many children experience trauma or tragedy at a real young age, a tender age. There are 500 children for every one counselor in Nevada schools. Five-hundred to one. Schools need the resources, especially more counselors, to support kids during their time of need, whether a crisis at home or maybe something goes wrong at school.

Investing in youth, supporting their emotional development and instilling them with knowledge means teachers win. It means our State's economy wins. And most importantly, it means Nevada children win.

President Herbert Hoover called this Nation's children its "greatest natural resource." But in Nevada, the next generation isn't the only thing bright and bursting with energy.

Nevada is also blessed with some of the world's richest renewable energy resources. Nevada deserts bake in the afternoon sun. Winds whip off the snow-capped mountain peaks for which our State is named. And below the soils of Northern Nevada, water heated deep in the earth bubbles to the surface. The renewable energy industry has been a bright spot during dark economic times, helping our State attract new businesses and create thousands of jobs that can never be outsourced.

For instance, construction continues outside Tonopah on the largest solar-power tower project in the world. Rising more than 500 feet in the desert, this is a historic investment in technology that will capture the power of Nevada's sunshine, store it in molten salt and use its heat to generate clean electricity for 75,000 homes. And in a dry lakebed not far from my home in Searchlight, there are three-and-a-half million solar panels stretching across more than three miles of desert. In Northern Nevada, Ormat's geothermal power plants provide enough electricity to power every home in Reno. And in Spring Valley, near Ely, a successful wind developer has erected enough wind turbines to power 45,000 homes. Nearby, construction continues on a transmission line that will connect the Northern and Southern Nevada electrical grids for the first time, making it possible to transfer power from where the wind blows hardest and the sun shines brightest to where demand for electricity is highest.

These successes didn't happen by accident. They are the result of more than a decade of coordination between businesses, utilities and all levels of government. The linchpin for this progress is a State law that guarantees a market for Nevada's clean, renewable energy resources. This law, better known as the Renewable Portfolio Standard, requires a minimum percentage of electricity to come from renewable sources. Coupled with federal energy, public lands and tax policies that strive to even the playing field with fossil fuels, this law has given Nevada an opportunity to take control of its energy future.

Nevada's Renewable Portfolio Standard was signed into law by Governor Kenny Guinn in 1997. It was written by Senator Randolph Townsend, a leading advocate for renewable energy in Nevada.

Senator Townsend would no doubt still be serving in the Legislature, and continuing to advocate for renewable energy, if not for the wrong-headed and counterproductive term-limit law. In my view, arbitrary term limits purge a part-time legislature of full lifetimes of experience. I urge you to reverse this—I'll help in any way I can, publicly or privately—which denies our constituents the right to select their own leaders. Elections are the only term limits Nevada needs.

If Senator Townsend were still in the Legislature today, he would agree it's time to revisit the Renewable Portfolio Standard and update it to match the changed reality of Nevada's energy landscape. The Legislature most recently updated the law in 2009, requiring Nevada utilities to produce 18 percent of their energy from a combination of renewable resources and energy efficiency measures by 2013. By 2025 a quarter of the energy used in Nevada homes and businesses must come from renewable sources. And although the standard has helped vastly increase the percentage of green energy flowing through Nevada's grid, there are problems with the statute. Loopholes allow utilities to evade the spirit of the law. In fact, those loopholes are so large Nevada's major utility could meet the standard without building a single megawatt of new renewable energy for the rest of the decade.

It's time the Legislature made meaningful changes to strengthen the standard. Those changes could be as simple as closing loopholes, which eliminate the motivation for utilities to invest in green power, or as robust as increasing the percentage of our power that comes from renewables. We should no longer allow the major utility in Nevada to meet the portfolio standard with energy credits from a Utah hydroelectric dam built in 1896, the same year Utah was admitted to the Union. We should no longer allow them to meet the portfolio standard by handing out energy-efficient light bulbs at Home Depot. Closing these loopholes will strengthen the law and send a powerful signal that Nevada remains committed to kicking our dependence on out-of-state fossil fuels.

Nevada has an opportunity not only to create jobs but also to create history by becoming completely energy independent. Most states don't have the ability we do. We have a chance to

put Nevadans to work building a smarter transmission grid and solar, wind and geothermal facilities that will power Nevada and our neighbors, and make this State a healthier place to live. In Pahrump, Valley Electric is already proving this possible. Valley Electric recently became the first utility primarily located outside California to join the Golden State's electric grid; they're part of that grid. This groundbreaking alliance will create a market in California for Nevada renewable energy. We must prove Nevada is serious about creating a vital Western clean energy grid by developing our State's own market for renewable energy. Strengthening our renewable portfolio standard would be a good start.

Over the next two decades, renewable energy technology and generation will become a \$7 trillion market in the United States. Nevada has a head start to capture much of that market. But we must stay serious about attracting new investment and creating customers for our renewable power. We shouldn't think of the renewable portfolio standard as a benchmark we have to meet, but as an opportunity we can exploit. The standard isn't a ceiling. It's the minimum we should be doing for Nevada's future. Since God blesses us with sunshine, wind and hot water, powerful enough to light the Las Vegas Strip and brighten the Biggest Little City in the World, we shouldn't take it for granted.

As we recognize our State's natural, renewable gifts, we should also celebrate the energy and determination of our citizens. We saw that energy and excitement on display last November. For the first time in our State's history, more than one million Nevadans voted, shattering records set in 2008. Statewide, more than 80 percent of all registered voters cast a ballot, the highest rate since 1992. We really should be proud of that enthusiasm. By comparison, only 60 percent of eligible voters cast ballots nationwide in 2012. Our high turnout is thanks in part to one of the most modern election systems in the country, a system that makes it easy for eligible voters to make their voices heard. With two weeks of early voting and simple online registration, that has made voting easy and accessible.

But we can still do more to ensure every eligible Nevadan casts a ballot on Election Day. Do you realize more than 600,000 Nevadans are eligible to vote, but not registered to vote? To increase participation—I'm suggesting you pass legislation allowing same-day voter registration in Nevada—instead of requiring Nevadans to register 30 days before an election, we should allow eligible voters to register on the day they decide to vote, whether that's during early voting or on Election Day. Eight states currently permit same-day registration. Wisconsin, Maine and Minnesota have successfully allowed same-day voting since the 1970s. California and Connecticut passed same-day voter registration laws just last year. Allowing same-day registration does encourage participation in the democratic process. And it doesn't increase incidents of supposed fraud, a canard repeated by those who would prefer to keep minorities, the poor and the elderly away from the polls. In fact, voter fraud is as common as being struck by lightning. In the last eight election cycles there have been ten documented cases of voter fraud. Ten. Not in Nevada, but ten cases in the entire Nation. The system in place to protect Nevada's ballot boxes is so successful, last year the Election Integrity Task Force arrested a Clark County woman when she attempted to cast ballots at two different polling places.

Here is what Franklin Roosevelt said, "Nobody will ever deprive the American people of the right to vote except the American people themselves, and the only way they could do this is by not voting." If only that were true.

In several states, legislatures have passed photo identification laws that intimidate eligible voters. Nevada should resist this harmful trend. We shouldn't fix what isn't broken. This Session, the Nevada Legislature will consider a number of election reforms, including a photo ID proposal. This proposal is a solution looking for a problem. Any change to our State's voting process should be enacted to encourage voter turnout, not discourage Nevadans from taking part in democracy. Our elections belong to the citizens of this State. And when their voices are heard at the ballot box, we all win.

Nevada has no resource more powerful than its people. Wallace Stegner, the Pulitzer Prize winning Western novelist and outdoorsman, had Nevada's pioneer spirit in mind when he wrote: "One cannot be pessimistic about the West. This is the native home of hope." I believe Nevada is that native home of hope.

Throughout the last century, that hope attracted people from every corner of the country to our high deserts, alpine lakes and mountain peaks, sometimes for a visit, but often for a lifetime,

just as the Las Vegas Valley's artesian waters and the Carson and Truckee rivers once attracted pioneers to Nevada. I am confident that same hope of our pioneer predecessors will carry us forward in this young century, a century that has already been full of challenges but also successes.

But now is not the time to stop striving. It is the time to redouble our efforts to make every Nevada business profitable, every Nevada family prosperous and every Nevada story positive. The decisions you will make in these Legislative Chambers will not be easy, but I know that each new test is another opportunity to make lives safer and more secure for all Nevadans.

Wallace Stegner also urged us to draw strength from our shared history even as we invest in our collective future. He said, "When [the West] fully learns that cooperation, not rugged individualism, is the quality that most characterizes and preserves it, then it will have achieved itself and outlived its origins. Then it has a chance to create a society to match its scenery."

So, it is up to us, public servants, to follow the wisdom of Wallace Stegner, and through cooperation and coordination, create a society to match Nevada's breathtaking scenery.

Thank you, all.

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

Motion carried.

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

Assemblywoman Swank moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 5:33 p.m.

#### SENATE IN SESSION

At 5:38 p.m.

President Krolicki presiding.

Quorum present.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary of the Senate signed Senate Concurrent Resolution No. 5.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to Patty Kelley.

Senator Denis moved that the Senate adjourn until Thursday, February 21, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:38 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: DAVID A. BYERMAN  
*Secretary of the Senate*