

THE FOURTH DAY

CARSON CITY (Saturday), December 19, 2015

Senate called to order at 3:12 p.m.

President Hutchison presiding.

Roll called.

All present except Senators Segerblom and Smith, who were excused.

Prayer by Senator Aaron Ford.

Heavenly Father, we come to You, right now, thanking You for the opportunity to be here. Thanking You for the opportunity to convene as a Body, to deliberate on important issues for our State. Lord, we ask that You bless us as we continue to progress our State forward and that You give us traveling mercies as we travel to and from our work here at the Legislature. We ask Lord that You continue blessing the members of our Body who have recently become ill, including our own Senator Atkinson. We ask further that You bless those in our Body who are also ill, including Senator Smith and the wife of our colleague, Senator Segerblom. We ask Lord for traveling mercies as I have indicated and praise and adore You. In Your Son's Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motions carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, December 19, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 1, 2, 3.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Roberson, Hammond, Brower, Gustavson, Farley, Goicoechea, Hardy, Harris, Kieckhefer, Lipparelli and Settlemeyer:

Senate Concurrent Resolution No. 1—Declaring and expressing the Legislature's purpose and intent in enacting Senate Bill No. 302 of the 78th Session of the Legislature.

Senators Roberson moved the adoption of the resolution.

Remarks by Senators Roberson and Ford.

SENATOR ROBERSON:

Senate Concurrent Resolution No. 1 declares and expresses the Legislature's purpose and intent in enacting Senate Bill 302 of the 78th Session, which creates the Education Savings Account, or the ESA Program. Because it is the same Legislature that enacted S.B. 302, it has the power to provide guidance regarding our purpose and intent in enacting S.B. 302. That guidance is entitled to interpretive weight because it throws light upon our original purpose and intent in passing the law in the first instance.

When the Legislature passed Senate Bill 302, it was our understanding that the ESA Program would be interpreted in harmony with Nevada's existing Education Laws and the Interstate Compact on Educational Opportunity for military children. Therefore, it was our understanding that the ESA Program applied to: 1) pupils younger than seven years of age who are eligible to be enrolled in a public school and 2) pupils of active duty members of the military who are stationed at military installations in Nevada. It was also our understanding that these pupils did not have to be enrolled in a public school for the 100-day period immediately preceding the establishment of the ESA. This resolution declares and expresses our original understanding and thereby provides interpretive guidance regarding our original purpose and intent in passing the law in the first instance. This resolution encourages the State Treasurer to adopt regulations to carry out our original purpose and intent. This resolution also provides direction, guidance and advice regarding our original purpose and intent to the Legislative Commission and the Subcommittee to Review Regulations when they are reviewing any regulations adopted by the State Treasurer.

Finally, if the Legislative Commission or Subcommittee to Review Regulations determines that any regulations adopted by the State Treasurer conform with statutory authority and carry out legislative intent, this resolution requests that the Judicial Branch give that determination the greatest amount of respect in deference possible because the power to review regulations is constitutionally and statutorily shared by the Legislative Branch and the Judicial Branch under Article 3, Section 1, of the *Nevada Constitution* and the Nevada Administrative Procedure Act.

SENATOR FORD:

First, let me indicate this is brand new news to the Democratic Caucus. This, unfortunately, was not presented to us for consideration or discussion. However, in the brief opportunity we have had to discuss it, we will say, we do not recall any discussion whatsoever of legislative intent with regards to veterans and/or children under the age of seven. In view of the fact that we all voted “no” on S.B. 302.

In any event, we do acknowledge that the Republicans in this building may have had a particular intent that was not communicated to us. Therefore, in that regard, we will be issuing a qualified “yes” vote. I wanted to state for the record, that there would be an appreciation going forward of some heads up, if you will, on these types of efforts.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

SENATOR MANENDO:

I would like to thank Mayor John Lee and his staff for working so hard to make changes in his city that obviously affects the entire State. We appreciate the diligence and hard work of you and your staff to make the changes necessary to bring North Las Vegas back. Congratulations to all of you. I would also like to acknowledge our former colleague, Bob Price. Folks who are old timers may remember Bob Price. His daughter sent me a message this morning saying that Bob is not doing so well, and he is in the hospital. If we could offer thoughts and prayers for him and his family, we would appreciate that.

SENATOR ATKINSON:

I obviously did not have the opportunity, yesterday, to rise or even vote on any of the measures. I regret that and wanted to apologize. As you may have heard, I had a little problem yesterday. I am happy to be here, and I am happy that we are taking some bold moves to advance our State. I recall, like many of us over the last few years, talking about how to grow our State. For a long time, the folks in our State, including myself, felt that as long as we had gaming and mining, we were probably recession proof. We learned the hard way that was not the case. We also learned the hard way that even our robust property taxes were not going to be enough to sustain us in difficult times. I am glad to see we are continuing to have these types of efforts. I, too, want to applaud Mayor John Lee, who happens to be my Mayor as well, for

getting this started. The City has been in a difficult place. Moves like this will help us and help our citizens get out of this rut that we have been in for quite some time.

I also want to thank the Governor. I understand the Governor and the Mayor came over to the hospital last night. I probably was already gone because the staff at Carson-Tahoe Medical Center are top notch, and they did a wonderful job with what I had to have done. They got me out fairly quickly. I want to thank my leader as well. His hard work will directly affect folks that I represent. My District has a high minority population. The workforce development piece that I requested, and everyone worked on and voted for, will be good for our State. Leader Roberson had some good work in this as well. I spoke to him a few times during the interim and liked the direction we were headed.

I am a huge football fan, most of you know that. I was watching a Steeler's game, and I remember coach Tomlin said something after someone questioned a move that he made during the game. He said, "Stop, we will always make the calculated risk associated with winning and succeeding." I think that is what we are doing here, today. We are taking the calculated risk to make sure our State is going to be solvent. Manufacturing is key. Some folks questioned what we did a few years ago here. I asked Steve Hill, "What does this do for my citizens? What does this do because my folks will not have the opportunity to apply for these jobs. They will not have these opportunities." I am glad my constituents will have the opportunity to apply for these jobs. We are putting mechanisms in place to teach them, going forward, how to get these jobs and how to be ready for them through development programs. Thank you for indulging me

SENATOR SPEARMAN:

I would like to echo the comments of my colleague from Senate District 4. The project that has just been approved in both Chambers will positively affect all of my constituents. I thank Mayor Lee and his astute team. I thank everyone in the City of North Las Vegas, particularly, in coming together to compromise on the water issue. It shows a dogged determination, if you will, to make sure we do the best we can for the citizens of North Las Vegas and for the citizens of Nevada. This is a watershed moment. I will be happy to go back to my constituents and let them know that the darkness that has overshadowed our lives for the last four to five years is about to be lifted. Thank you, again, to Mayor Lee and his team and to all of my colleagues in the Legislature.

SENATOR DENIS:

I would also like to echo the remarks of my colleagues. As one who represents the part of North Las Vegas that probably stands to gain the most and was economically hit the hardest, this is a great opportunity for folks to not only find jobs but also to actually get better jobs than what they currently have. I appreciate the staff, the Mayor and everyone in North Las Vegas as well as the Governor's Office and the Bodies, here, working to do something that going to move us forward. I am excited to see not only what this will bring but also the other things that will come because of this. I thank everyone for that.

SENATOR BROWER:

It has been a quiet Special Session for me, mostly because I have come to the realization, over the last several Sessions that I have been here, that if it is not necessary to add something it's often best not to add anything. We have moved along efficiently and with purpose this Session so I have sat here quietly listening and supporting the Body. This is my last Session, my last day of my last Session. Over the years, it has been interesting to watch members, colleagues, think that maybe it was their last Session, and then, they come back. Many of us have been through that. There are some sitting here, today, who likely will not return to Carson City but they do not quite know for sure if that is the case. I can confidently say, Mr. President, this is the last day I will appear on the Senate Floor.

I thought I would say a few things. First of all, part of my family was here earlier but they just left. I would like to thank them for their support over the years. It has been a lot of years. Wherever you are, I am confident they are not listening to us or watching us on the internet, but I want to thank my family.

Typically, when we have heard these speeches in the past, there is always that last-but-not-least recognition of staff at the end of the speech. I am going to put it right up front.

I am preaching to the choir when I say we have the most awesome staff that any Legislative Body can expect. I want to say clearly and for the record how much I appreciate all of them from Claire Clift—we are so happy to have you back, I am going to miss you too—Brenda Erdoes with whom I think I have had the most contact and the closest relationship over a long period of time. Brenda, as you all know, is a lawyer's lawyer, which for the lawyers in the room I think there is no higher compliment than being described in this way. We could not do it without her. I, over many years, have relied on Brenda for many things. She is such a dedicated public servant and such a great lawyer.

I wanted to make sure I recognized her today and the rest of the staff. I mean everybody from the outstanding police force we have here to the folks who clean our offices every night. For those of us who, during a regular Session, are at Adele's by 6 p.m., you may not know this but actual human beings come into your offices and clean up. I am joking, of course, I know we are all here working late during the Session. From the people who clean our offices to the people who cut the grass, they are unsung heroes behind the scenes who we do not interact with personally very often. It is just an outstanding group of people.

To my former colleagues, and I cannot name them all, some of them you have served with including Senator Raggio, Senator Townsend, Senator Matthews, Senator Neal, Assemblyman Dini. They are all in the Hall of Fame, deservedly so. For those of us who had a chance to serve with them and to know them personally, we know why they are in the Hall of Fame. Assemblyman Marvel, I should mention as well. We will never see the likes of them again. The term-limits reality just means no matter how good some of us may be, we are never going to see that kind of longevity, commitment and historical institutional knowledge that we saw in those I just mentioned and others.

My current colleagues, you are all special to me in your own unique ways. I have served with and known for the longest period of time our colleagues from Districts 7, 21 and 14 who were all in the Assembly during my first Session in the Assembly, and I have admired their dedication to public service and to this institution over the years—remarkable staying power on the part of all three of you. To our colleague in District 7, in particular, you are a true pioneer in this institution in a ground breaking way that none of us can fully appreciate. However, if you served with him and known him long enough you have a sense of contribution he has made to our State, and I appreciate that. My newer colleagues, like our colleague from District 8, without whom we would not have enjoyed the majority last Session, so thank you for that.

Our colleague from District 2, who has the distinction of having served as the Majority Leader and did an outstanding job and is one of the members of the Body who, like the Lieutenant Governor and I, can say that they grew up in Las Vegas. Despite there being 21 of us, there are not many who can actually say that. I appreciate that about our colleague from District 2.

Our colleague from District 11, my former law partner and good friend, we have, I think, enjoyed our service together in this Body, more than I think outsiders fully understand or appreciate. I appreciate his service.

Our colleague from District 18 who makes me laugh, literally, every day I am here. My wife could not quite figure out why I would walk in the door with a smile on my face at the end of every day last Session, and it was largely due to colleague from District 18.

Our colleague from District 9 who without her electoral success we would have never served in the majority until last Session. When I thank our colleagues who put us in that position, I do not mean to be partisan, but I think you now know what being the minority means. It is a lot better to be in the majority. I thank our colleagues who ran great races to get us there. We also know now how hard it is to keep the majority, and we appreciate that every two-year process.

To my colleague from District 10, another Las Vegan and an outstanding member of this Body, he may be one who is wondering if this is his last day here and many hope it is for all the right reasons. I appreciate your friendship over the years.

Our colleague from District 6, who sort of was shanghaied into this like I was a few years ago, was just an outstanding contributor to the success of last Session. That it is going to be tough to do this without him in the future.

I do not know what to say about our colleague from District 3 who is not with us today. I had the privilege of sitting next to that Senator on the Floor last Session, and I do not know if any of

you understand how much fun we had together in these two seats, but we did. I will miss him very much.

Our colleague from District 1, who impresses me every day of every Session with how committed she is to understanding the issues and representing her constituents. I cannot say enough about her quality as a colleague and as a Senator. It is my estimation she has exhibited exactly what I think all of our constituents expect when they send someone to Carson City. I appreciate that very much.

Our colleague from District 5, I probably have had the least interaction with over the years, we have never served on a Committee together as I can recall, but as someone who is married to a long-time public school teacher, I cannot tell her how much I appreciate the career she has had in public education and what she brings to this Body as a result of that.

Our colleague from District 13, who is also not with us, she and I go back a long way in representing Washoe County. As we all know, particularly those of us from the Washoe County Delegation, there has been no better advocate for our County over the last several Sessions than our colleague from District 13. We all hope that she returns to the Body next Session.

Our colleagues from Districts 17 and 19 are really all that is left of what you might call the Rural Caucus in the traditional sense here in the Senate. I have not had the pleasure of serving with two members who have, in my view, been more productive and efficient and dedicated on behalf of their constituents than those two. I mean that, and I appreciate the honor of having served with you.

Our colleague from District 12 has been here for a while and I think now, at least in my mind, deserves the title of being the “Dean” of the Senate and everything that means. We call him the conscious of the Senate, the Dean of the Senate and the Elder Statesman of the Senate. Yesterday, he was the resident physician of the Senate. We appreciate that. All of us appreciate that about him and all that it means.

It is great to see our colleague from District 4 here, today. I saw him leave the building yesterday, and he told me he was not feeling well but, of course, neither he nor I had any idea why. It is amazing that you are back, and it has been a real pleasure to serve with you. I know some outsiders who casually watch the process or maybe think they know what is going on here might think that we do not get along too well. I think what is important is that could not be further from the truth. I appreciate your friendship and your service.

Finally, my colleagues from Districts 16 and 20, who have become more than colleagues and are among my closest friends, not just in the political sense, which we all have political friends who are friends only when they need something from you and you can do something for them. They are among my closest friends, and I appreciate them very much.

I will save the last-but-not-least comment for the Lieutenant Governor, Mr. President as we call him in this Chamber. I go back with some of my colleagues here to the ‘90s, but the Lieutenant Governor and I go back to the late 1970s. As you have probably heard one or both of us make reference to, in the past, we met on the football fields of our youth in junior high school. We went to high school together and essentially grew up in the same neighborhood, not exactly but close. It was not one of those fancy neighborhoods in Las Vegas that I am not sure any of us here are actually from. In fact, I am fairly certain that none of us grew up in those neighborhoods in Las Vegas. We grew up in a blue collar, sort of working-class part of Las Vegas where it certainly was not preordained that any of us would end up here someday. So, after 20-plus years of really not seeing each other at all, it has been a real privilege to be reacquainted with him and to serve with him here on behalf of our fellow Nevadans. I appreciate our renewed friendship.

I really want to thank you all for your service. Despite the ups and downs and the occasional partisanship, even hyper-partisanship, and all of the other, which in retrospect are small things that may divide us from time to time, and have divided us from time to time—I would say that this Legislature, meaning this particular Body of the Senate has been the finest, most productive, most successful that I have served with. It really has. We had a rough Session in 2011 for a lot of reasons; 2013 was not much better in my view. However, in 2015, again, for a lot of reasons, and as a result in large part of the tremendous leadership of our Governor, we were able to come together as a Senate and with an overwhelming majority do things that nobody thought we could do. It was, obviously, due to the extraordinary leadership of many people, but it was really a collective effort. Because of that collective effort, we were even able to bring the Assembly

along. It is, in my humble opinion, for me anyways, the perfect last Session. I hope that future Sessions can be as successful or even more successful, but it is going to be tough for all of the usual reasons. I want to thank each and every one of you for making this last Session such a success. It is something we can all be proud of. We should all be proud of it.

In closing, I just want to humbly and sincerely say I wish you all the best, each and every one of you as you continue to serve our State. Again, it has been a tremendous honor to serve with each and every one of you and to call each and every one of you a friend.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, December 19, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 1.

CAROL AIELLO-Sala
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 1, 2, 3; Senate Concurrent Resolution No. 1; Assembly Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of President Hutchison, the privilege of the floor of the Senate Chamber for this day was extended to former Senator John Lee, Mayor, North Las Vegas.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President appointed Senators Settlemeyer, Kieckhefer and Woodhouse as a Committee to wait upon the Assembly and to inform that honorable Body that the Senate is ready to adjourn *sine die*.

Mr. President appointed Senators Lipparelli, Harris and Denis as a Committee to wait upon His Excellency, Brian Sandoval, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

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

Senate in recess at 3:47 p.m.

SENATE IN SESSION

At 3:57 p.m.

President Hutchison presiding.

Quorum present.

A Committee from the Assembly, consisting of Assemblymen Hickey, O'Neill and Thompson appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

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

Senate in recess at 3:58 p.m.

SENATE IN SESSION

At 3:59 p.m.

President Hutchison presiding.

Quorum present.

Senator Settlemeyer reported that his committee had informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Lipparelli reported that his committee had informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Roberson moved that the 29th Special Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Senate adjourned *sine die* at 4:00 p.m.

Motion carried.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate