

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 27, 2009

Assembly called to order at 11:32 a.m.

Mr. Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Munford, who was excused.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Gracious and Most Merciful One, we gather today in Your presence, trusting in Your manifold blessings. Help each one here as we struggle with difficult decisions in a difficult time. Place each one of us in the center of your compassion, to be able to respond compassionately in the decisions that are made. Place each of one of us in the center of your creativity, allowing us to see with new ideas and new approaches solutions we have not seen before. Place us in the center of Your unlimited insight, where we might understand the work each committee, each legislator does in the light of Your wholeness, learning from approaches that work from many places.

Lead us into Your new day, where we might learn to live simply, seeing blessing in each day, making the work of this body to aid those most in need. In the Name of Hope and Love in our world we pray.

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.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCUS CONKLIN, *Chairman*

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Joint Resolution No. 7; Senate Joint Resolution No. 9 of the 74th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 139, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Smith moved that Assembly Bill No. 337 be rereferred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bills Nos. 33, 218, 280, 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 38, 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chairman*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Koivisto moved that the action whereby Assembly Bill No. 443 was referred to the Concurrent Committee on Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

JOURNAL OF THE ASSEMBLY

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2805

March 25, 2009

SPEAKER BARBARA BUCKLEY, NEVADA STATE LEGISLATURE, 401 South Carson Street, Room 1104, Carson City, Nevada 89701

DEAR SPEAKER BUCKLEY:

I respectfully request that you allow me the honor and privilege of addressing a joint session of the Nevada State Legislature on Thursday, April 16, 2009. I would greatly appreciate it if you would provide me the time slot from 12:00 p.m. until 1:00 p.m.

I look forward to addressing the legislature.

Sincerely,
JOHN ENSIGN
United States Senator

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 20.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 37, 41, 44, 65, 77, 141, 149, 166.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 67.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 25, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 132; Senate Bills Nos. 48, 172, 175, 199, 223, 235, 247; Senate Joint Resolution No. 9; Senate Joint Resolution No. 2 of the 74th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 20.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 26, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 163, 184.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 17.

Assemblywoman Buckley moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. Assembly Concurrent Resolution No. 17 accepts the unemployment compensation stimulus money which is available to our state under the American Recovery and Reinvestment Act. The federal stimulus act will bring in approximately \$270 million to Nevada, through the federal government agreeing to pay for a portion of the benefits that the state would pay for, were the feds not willing to do so, as well as expanding the eligibility for those benefits.

This is a companion measure to a bill on General File with regard to specific statutory changes that are necessary in order to obtain the unemployment stimulus funds. I will go more into the details of that when that bill appears on General File. At the present time, we have one of the highest unemployment rates in the nation. The latest figures show, for example, Carson City at 11.3 percent; Washoe County at 11.2 percent; Storey County at 12.6 percent; Nye County at 12.9 percent; Lyon County at 15.6 percent; Clark County at 10.1 percent. There is no doubt that Nevadans are out of work, and they cannot find jobs. This is the least we can do to help ease their trouble at this time as well as stimulate our economy, because this money in their pockets will be spent. I urge your support.

Resolution adopted and ordered transmitted to the Senate.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 8—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Christopher Caldwell is elected as an additional attaché of the Assembly for the 75th Session of the Nevada Legislature.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted.

Senate Joint Resolution No. 9.

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

Motion carried.

Senate Joint Resolution No. 2 of the 74th Session.

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

Motion carried.

Senate Concurrent Resolution No. 20.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblywoman Gansert.

Mr. Speaker pro Tempore requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

Senate Concurrent Resolution No. 21.

Assemblyman Segerblom moved the adoption of the resolution.

Remarks by Assemblymen Segerblom and Hardy.

Resolution adopted.

NOTICE OF EXEMPTION

March 24, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 181 and 274.

GARY GHIGGERI
Fiscal Analysis Division

Assemblyman Oceguela moved that NEVADA APPEAL/ASSOCIATED PRESS: Brad Horn; THE NEVADA SAGEBRUSH: Nick Coltrain; PROGRESS NOW NEVADA: Erin Neff be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chamber and that they be allowed the use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Oceguela moved that the reading of histories on all Senate bills be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 37.

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

Motion carried.

Senate Bill No. 41.

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

Motion carried.

Senate Bill No. 44.

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

Motion carried.

Senate Bill No. 48.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 65.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 67.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 77.

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

Motion carried.

Senate Bill No. 141.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 149.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 163.

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

Motion carried.

Senate Bill No. 166.

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

Motion carried.

Senate Bill No. 172.

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

Motion carried.

Senate Bill No. 175.

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

Motion carried.

Senate Bill No. 184.

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

Motion carried.

Senate Bill No. 199.

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

Motion carried.

Senate Bill No. 223.

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

Motion carried.

Senate Bill No. 235.

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

Motion carried.

Senate Bill No. 247.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblyman Segerblom.

Conflict of interest declared by Assemblywoman Spiegel.

Roll call on Assembly Bill No. 248:

YEAS—40.

NAYS—None.

NOT VOTING—Spiegel.

EXCUSED—Munford.

Assembly Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 322:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Assembly Bill No. 322 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblymen Buckley, Gansert, and Goicoechea.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. Assembly Bill 469 enacts the statutory changes required in order for Nevada to accept the additional benefits that are available to our citizens under the federal stimulus act. The measure does two things. First, it adds an additional seven weeks—or more if the federal government decides to extend the provision—of state extended benefits for claimants who remain unemployed beyond the current 72-week eligibility. Under the provisions of the federal stimulus, 100 percent of the additional costs of the claims of these extended weeks are paid by the federal government. This provision would remain in place in our state law as long as the federal government agrees to pay 100 percent of these claims. The second provision provides for an alternative base period for purposes of qualifying for unemployment compensation. Basically, right now, in order to qualify for unemployment, you look at the five quarters that preceded the claim. Eligibility is calculated if you have enough time in the first four quarters. What this statute does is it allows you to look at the last four quarters out of the five. This provision allows additional people to qualify who wouldn't have qualified under the old test. The old test was developed because, before the advent of computerized records, you needed the 30 days to get the paper in the mail in order to calculate eligibility. Since those days are long gone and we are able to calculate eligibility quicker because of electronic recordkeeping, this alternative base period is possible, and it would qualify approximately 4,000 additional Nevadans for unemployment coverage.

The federal government will give us \$77 million—money that will go into our trust fund if we do this. It is estimated that the cost of doing this—it depends on the actual numbers that are utilized—but basically it would finance this for anywhere from four to ten years. Our unemployment fund is scheduled to be \$750 million in the hole by the end of this year. When that happens, the federal government, under the federal unemployment compensation scheme, allows the state to borrow funds from the federal government at a 5 percent interest rate. If we accept this \$77 million, it obviously lessens the deficit and perhaps puts off for another fiscal year whether we will have to borrow money from the federal government. If our economy recovers sooner rather than later—and we know it will recover, it's just a matter of when—these additional resources may give greater solvency to our fund and put off the need of having to borrow as much, thereby ultimately saving employers costs in the long run.

This bill provides benefits to those in need. It is basically a way to inject additional dollars into the economy. The economic multiplier for every dollar of unemployment funds—it injects \$2.15 into the economy. So it helps our economy, helps those who are unemployed, and allows us to return Nevada taxpayer dollars to Nevada by taking greatest advantage of the stimulus funds. I urge your support.

ASSEMBLYWOMAN GANSERT:

Thank you, Mr. Speaker pro Tempore. Our caucus had some questions. One was about the funds. When the funds run out, our funding of these additional benefits would be terminated, is that correct?

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. There are two separate provisions. First, on the extended benefit trigger, that sunsets so when the feds stop paying 100 percent, it goes away. We do not have the extended period of eligibility. With regard to the 4,000 workers who would now qualify under the alternative base period, we obviously will get anywhere from four to ten years worth of benefits out of that before it breaks even. A future Legislature could decide whether or not to then repeal that. We received a letter from the [U.S.] Department of Labor which was distributed to our Ways and Means Committee confirming that a state could repeal the provision at any time without any federal penalty. It really depends on our future legislators

whether we decide this makes sense or not. There are a number of states that have this enacted already, even before the stimulus money came out. We heard from at least two employers in the testimony that this would benefit them because many of the folks who qualify under this second provision are construction workers and minimum wage workers. They want that workforce available when their work comes back. They do not want these workers to leave, so they thought it was an additional benefit to them. Those are the two kinds of “How long do they last? When do they expire?”—two different answers for the two different sets of claimants.

ASSEMBLYWOMAN GANSERT:

Thank you, Mr. Speaker pro Tempore. Could I ask one more question? Regarding the interest, it is my understanding of the interest—and I just want to confirm this—is that if we were to borrow from the federal government at the 5 percent rate—that’s \$77 million roughly, that would be about \$4 million a year—that interest cannot be paid out of the Unemployment Insurance Trust; it has to be paid out of General Fund or other dollars. So this really could be potentially a General Fund-type savings in the future in that it could delay or reduce the amount we have to borrow.

ASSEMBLYWOMAN BUCKLEY:

Through you, Mr. Speaker pro Tempore, to the Assembly Minority Leader, that is correct.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker pro Tempore. My concerns have been pretty much answered, but I do rise in support of the legislation. I think it does provide funding that is sorely needed at this time. They say, “Don’t look a gift horse in the mouth.” The teeth are a little long, but it’s still a gift horse. Thank you.

Roll call on Assembly Bill No. 469:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Assembly Bill No. 469 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 469 and Assembly Concurrent Resolution No. 17 be immediately transmitted to the Senate.

Motion carried.

Assemblyman Mortenson moved that Assembly Joint Resolution No. 1 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblyman Gustavson.

Roll call on Senate Bill No. 39:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Senate Bill No. 39 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 60 be taken from the Chief Clerk's desk and rereferred to the Committee on Government Affairs.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. We are at the halfway mark, and I just want to take a moment and thank our staff for all that they do. The Fiscal Analysis Division—we've asked them basically to do the impossible, to begin now getting a sense of the Senate, the Assembly, our spending priorities. The documents they have prepared for our consideration are just amazing. They have worked so hard. The Governor had put forth a proposal to possibly furlough every DMV employee in the state and close office hours, which would have made the long lines of the past return again. A couple of our analysts in the past ten days were able to identify \$3 million dollars in nonpersonnel savings, and because of their great work, we were able to avoid the cap issue. We have the Legal Division—my goodness, the amount of bills they produced for us, the amendments. We ask the impossible, and they say yes. The Research Division—so many individuals in this body have asked Research for talking points, for testimony, for help with constituent responses, and the answer is always yes. The Administrative Division, whether it is the Broadcast Unit that is videoconferencing meetings—"No, we need this, no this"—five hearings at the same time, trying to juggle it to serve our constituents in other parts of the state. They want to testify by remote means. General Services—we always need something else, please help, supplies, you name it. Buildings and Grounds—the number of people, the classes that come in, and the tours. You look at our grounds outside—they are the best kept in the city. We should be so proud of all of them. The Legislative Police, again, always a presence. If ever there is trouble, they are there looking out for us. So whether it is Broadcast, Buildings and Grounds, General Services, Accounting, IT, Janitorial, Police, our Las Vegas office trying to answer our constituent requests in that part of the state, you name it. Accounting, Auditing—some of the best folks in the world giving us the tools we need to ask questions to demand accountability. Our Front Desk staff, individual secretaries, committee secretaries, Sergeant at Arms, Bill Services—you walk by the bill office and they are already leaving for the day; our books are updated like magic every day. Proofreaders, document processing, and I am sure I left some out. You all have been doing such a great job for us. Please know how much all of us appreciate all of you. Thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 17 and 18.

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 Daniel Armbrust.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Heinz and Karen Boeger.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Scarlett Smith and Brian Smith.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Sosa, James Wright, Michelle Wagner, and Woodrow Allen.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, March 30, 2009, at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:44 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly