

## THE TWELFTH DAY

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CARSON CITY (Friday), February 18, 2011

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carlton and Sherwood, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

God, I have asked much this week. We really need You. But, I have forgotten to thank You. So we end this week with a prayer of thanksgiving inspired by the words of a chorus by Dennis Jernigan. For all that You've done, we will thank You. For all that You're going to do, for all that You have promised, and all that You are, is all that will carry us through. And we thank You, thank You, Lord.

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

*Mr. Speaker:*

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 15, 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

### COMMUNICATIONS

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

February 14, 2011

SPEAKER JOHN OCEGUERA, Nevada State Legislature, 401 South Carson Street, Room 1104,  
Carson City, Nevada 89701

DEAR SPEAKER OCEGUERA:

I respectfully request that you allow me the honor and privilege of addressing a joint session of the Nevada State Legislature on Tuesday, March 22, 2011. I would greatly appreciate it if you would provide me the time slot from 5:00 p.m. until 6:00 p.m.

I look forward to addressing the legislature.

Sincerely,  
JOHN ENSIGN  
*United States Senator*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McArthur, Bustamante Adams, Diaz, Ellison, Flores, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, Munford, Ohrenschall, Sherwood, Stewart, and Woodbury; Senators Cegavske, Gustavson, Halseth, Kihuen, and Settlemeyer:

Assembly Bill No. 187—AN ACT relating to the Legislature; revising the number of legislative measures that may be requested by certain persons and entities; and providing other matters properly relating thereto.

Assemblyman McArthur moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 188—AN ACT relating to motor vehicles; prohibiting the operation of certain truck-trailer and trailer combinations on the highways of this State; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Horne, Atkinson, Kirkpatrick, Conklin, Ocegüera, Aizley, Bobzien, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Ohrenschall, Segerblom, and Smith:

Assembly Bill No. 189—AN ACT relating to taxation; requiring the Department of Taxation to allow tax credits for qualified investments in Nevada small businesses; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carrillo (by request):

Assembly Bill No. 190—AN ACT relating to professional entities; revising certain provisions governing ownership interest in professional entities; and providing other matters properly relating thereto.

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

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 87.

Bill read second time and ordered to third reading.

Assembly Bill No. 88.

Bill read second time and ordered to third reading.

Assembly Bill No. 124.

Bill read second time and ordered to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblymen Smith, Goicoechea, Grady, Kirkpatrick, Stewart, and Livermore.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

## ASSEMBLYWOMAN SMITH:

Assembly Bill 144 adds five criteria that must be met to qualify for the 5 percent bidding preference on state and local public works projects. This bill adds local public works projects to our existing state public works projects.

The applicant must sign an affidavit certifying that they will meet certain criteria: (1) at least 50 percent of the workers must have a Nevada driver's license or ID card; (2) vehicles must be registered in Nevada or be partially apportioned to Nevada; (3) at least 50 percent of the design professionals working on the project must have the same—a Nevada driver's license or ID card; (4) at least 25 percent of the materials used must be purchased in Nevada; and (5) certain payroll records must be maintained and available in Nevada.

This bill also requires the contractor to maintain, for all workers on the project, a list of the driver's license and ID card numbers. The contract must contain the criteria, and failure to comply with that criteria will result in penalties. A contract not in compliance with this bill would be void. A contractor who receives the preference and breaches the contract would be subjected to penalties as follows: (1) if the cost of the contract exceeds \$5 million, the contractor shall lose the preference certification for five years; or (2) if the contract exceeds \$25 million, the contractor shall be barred from bidding on public works projects for one year.

A person may file a written objection with the public body to a proposed or awarded contract, along with the supporting proof, alleging that the criteria are not being met. The public body must review the objection and supporting proof and determine whether the criteria are being met. If the public body determines the criteria are not being met, the contract may be awarded to another bidder or the public body may seek liquidated damages. Breaches shall be reported to the State Contractors' Board, and the information shall be retained for at least six years. The bill is effective upon passage and approval.

This is what we've been calling the "Nevada Business First" bill all week. This is a very important first step for us to help our Nevada-located businesses get back to work. We know that this will give our contractors a leg up. We know how much the money that is generated in Nevada circulates through our economy. We know that \$1 equates to about \$1.47 through these contracts—how important it is for our local contractors to have this help, for them to get this work that our tax dollars are funding. We want to bring our construction workers, and those

companies that are having to work out of state, back home and let those people spend their dollars here. We want those people who are on jobs here to have that money that they are out spending in our businesses and that are being used with suppliers, design professionals, landscapers—all of those businesses here.

I urge your support.

ASSEMBLYMAN GOICOECHEA:

I rise in support of A.B. 144, but I do have a couple of concerns. I am concerned that it may well slow the bid award process down. I am wondering if we wouldn't be better off pre-certifying those bidders. Hopefully, as it moves ahead in the other house, maybe they will look at that. Thank you.

ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker. I would like to ask my colleague from Sparks: On the driver's license portion of that, if 25 out-of-state workers came in here, they could go down Monday morning and get drivers' licenses, could they not?

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Speaker. To my colleague from Yerington, the truth of the matter is that when you get a driver's license, you have to show that you have proof that you have a residence to get that driver's license. Once you get that driver's license, you are listed as a resident. Then you also are subject to registering your vehicle. Do I think it is a hundred percent perfect on how it works? I would hope that people that get their driver's license would actually—there is a criterion that we ask of them; we just don't hand it to them, and the same goes for identification cards.

ASSEMBLYMAN GRADY:

Mr. Speaker, with a county that has 20 percent unemployment, or right around the 20 percent, I support the bill. I just wanted to make sure that we get our Nevada people to work. Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker, for acknowledging me a second time. I wanted to respond to my colleague from Eureka. We will continue, as this bill moves forward, looking at any clarifications that need to be made and certainly work with the business community. We have had support from the contractor community regarding the process for this. We seem to have full support that this is workable and not onerous, that it is well worth it to them to be able to have this leg up and do this—it really is a small amount of paperwork that they would have to provide. But we will certainly keep working on any clarifications necessary.

ASSEMBLYMAN STEWART:

Thank you, Mr. Speaker. To my colleague from Sparks, if the materials for the project are not available in Nevada, do we have a provision for that? Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. To my colleague from southern Nevada, that is one of the clarifications we are working on. We have had a couple of businesses come to us and offer some suggestions, and the chairman of Government Affairs will keep working on that as we move this bill forward.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Speaker. I rise in support of this bill. Working for over a year and a half on this bill, we met with different agencies, different groups, design professionals, subcontractors, and contractors, to ensure that everybody's voice was heard. Is this bill perfect? Some would say so; I would say so, but others would say not. I think that we have to do this. I promised my

constituents I was going to come here, get some work done, and do everything I could to put the tools in place so that they could go back to work.

I do represent 70 percent of construction workers that are out of work for over two years, and they want to go back to work. They do not want to be home anymore. I will tell you that we have worked within the laws to make sure that we are very certain on how this is. Some would like more, some would like less, but I am very confident, working with our Legal Division, that we are solid on this, on moving forward and putting tools out there that will help put Nevadans back to work. Local government has been very much in favor of working with us on a template that we can adopt across this state. Their local officials want to put people back to work, as well, so I encourage the support of the body. I believe that two years ago, we tried something similar to this; however, this time we have made a lot of progress. Sometimes you have to take little bites at the apple. I encourage your support.

ASSEMBLYMAN LIVERMORE:

Thank you, Mr. Speaker. To my colleague from Sparks, if I may. I did support this bill in committee, and I will support this bill today. I am just concerned about the confidentiality of driver's license information being acquired by the wrong hands. I have been assured by legal counsel that we do have the ability to direct contractors to make sure that that confidentiality stays in place.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. To my colleague from Carson City, that concern is always raised on this issue and those processes are currently in place where workers' identities are always protected. In fact, if you go and request a certified payroll now on a prevailing wage job, you can see the worker, what the worker did, and how much the worker made, but you can never identify who the worker is or their personal information. This issue should be covered in that way, as well.

Roll call on Assembly Bill No. 144:

YEAS—39.

NAYS—Goedhart.

EXCUSED—Carlton, Sherwood—2.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Palmitier and former Assemblyman Ron Knecht.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Gardner, Connie Westadt, and Susan Rugg.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Stefanie Wardell and Franz Braun.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Meg Davis and Hal Sherwood.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Ardis Weible, Brittany Crawford, and Mac McQuaig.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Landry.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Johnson, Amy Clemens, and Jeanette Dunham.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Dick Dunham.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Caren Jenkins, Sheila Parks, and Nathan Turner.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Cuddy, Cathy Garrison, and Cali Thompson-Czech.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Bayer, Pat Vasquez, Danita Bayer, and Georgia Nicholson.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Ross, Mary Herzik, and Bill Fowler.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Preston.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Williams and Deborah Harvey.

Assemblyman Conklin moved that the Assembly adjourn until Monday, February 21, 2011, at 11 a.m., and that it do so in memory of Dale Porter, Former Elko County Commissioner.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved:

JOHN OCEGUERA  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*