

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 3, 2011

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, it is more blessed to give than to receive, and the just reward is honor for those who serve. Bless these legislators as they give themselves in service to others. When their work is finished, may they hear those sweet words, "Well done, good and faithful servants!" I pray in the name of Jesus.

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 Commerce and Labor, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 94.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 230—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goedhart, Hardy, Ellison, Goicoechea, Grady, Hambrick, Hickey, Kirner, Kite, Sherwood, and Stewart; Senators Gustavson, McGinness, and Rhoads:

Assembly Bill No. 231—AN ACT relating to concealed firearms; removing the prohibition against carrying a concealed firearm; repealing all provisions governing permits to carry concealed firearms; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Woodbury, Aizley, Anderson, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, and Stewart; Senators Hardy, Gustavson, and Settlemeyer:

Assembly Bill No. 232—AN ACT relating to motor carriers; authorizing the payment in installments of certain fees for permits issued by the Department of Transportation to operators of certain combination vehicles; requiring the Department to adopt regulations establishing the amount and due date of such installment payments; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bobzien, Smith, Mastroluca, Dondero Loop, Atkinson, Carlton, and Ocegüera; Senator Leslie:

Assembly Bill No. 233—AN ACT relating to education; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 94.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 66.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 10.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 10:

YEAS—36.

NAYS—Hambrick, Hammond, Hardy, Kirner, Sherwood—5.

EXCUSED—Diaz.

Assembly Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Roll call on Assembly Bill No. 88:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblymen Smith, Sherwood, Goicoechea, and Benitez -Thompson.

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

Motion carried.

ASSEMBLYWOMAN SMITH:

Assembly Bill 183 is regarding school district bond obligation. It is enabling legislation. It allows the school districts to lower their required debt reserve to 25 percent in the larger counties and 50 percent in the smaller counties, the rural counties.

I want to talk about how this bill was conceived and what it really means. It seems like a fairly small policy decision, but as we all know, it has become a larger decision point for this body.

About a year ago, I was contacted by a working group in the Washoe County School District that was concerned about their inability to take care of their older schools, the majority of which are 45 years or older. Many are much older than that and in serious need of repair. They brainstormed—what I thought was a very creative idea—and looked at the ability to lower their required debt reserve account for their bonds and to be able to access that money to then bond it and use the money for school construction. It seemed clever to me. Last June, I put in a bill draft request to do this very thing. I worked with the various districts over the coming months. Washoe County was very excited about the idea, and we have heard them testify that it could create as much as \$135 million for them to be able to go out and do some school construction—some very badly needed older school rehabilitation.

I worked with Clark County, and what I got from them was “We appreciate your effort very much; we appreciate the fact that this is enabling legislation. There is nothing mandatory about this, but we, the Clark County School District, are not in a position right now to avail ourselves of this legislation because of our debt and because of declining property tax values.” So while they said—and they said it in testimony in the hearing— that they would appreciate the ability down the road to be able to access those debt reserves, this was not the time for them to do that. But they realized that other counties could do it.

We heard from Lyon County School District, the third most distressed county in this country, about what it could do for their schools and what it could do for unemployed people in their county.

While this bill has become a decision point because it is tangled up with the Governor’s budget, this is an important policy decision. This is about honoring the will of the voters. The people who supported these school bonds did so in good faith that this money would be spent on the very thing that the voters voted for, and that is school construction and the items that are in those bond documents and campaign documents that they relied on. The school districts have provided information and have demonstrated to us that they have met all of their obligations, and then some, with their last bonds.

If we violate the will of the voters by not honoring the intent of this legislation and using that money for what it is worth, how will these districts ever go back to the voters and get another school bond passed? We know that there will be ongoing need for rehabilitation. We know the

ages of our schools in the big counties and the rural counties. But we also know we will grow again and that we will need money to build new schools at some point.

We have heard from all of the school districts that they support this legislation, and they do not support using these funds for another purpose. I have heard my colleagues say in committee and in the media that we should use this money for another purpose. I hear the districts say, “That is not what we want; we want to honor what we told the voters we would do. We want to use that money where it is sorely needed.”

I did a school tour in my district, Mr. Speaker, several months ago, and one of the things that really struck me was that this is a school design where there are no inside hallways; everything is on the outside of the buildings. They don’t have the kind of door knobs that would allow them to lock down, yet the school doors are a mere 20 feet from the street. They are in a neighborhood that has needed to have lockdowns. They don’t even have the money to put a fence up, let alone replace the door knobs. So those young children are sitting in those classrooms 20 feet from the street with really no protection there.

This isn’t about aesthetics as much as it is about safety and modernization. Don’t you want all of the children in your district to have access to the same kind of facilities? Why should some kids across town be in schools that are modern, that have SMART Boards, that have windows you can see out of, and have door knobs that will lock, and other students don’t have that? We have provided documentation that there is a direct correlation between student attendance and student achievement and the buildings they go to school in. I think our gut tells us that, and we know it is the right thing to do—to provide these facilities for our students.

So again, while this concept originally seemed like a logical and simple one, it has become a much bigger issue. I ask my colleagues to consider this policy, consider the will of the voters, and consider all of the people who came to the table and supported this and asked for it. And oh, by the way, there is a small benefit too, because that money will create a significant number of jobs when we are doing the construction on these older schools.

The Nevada Taxpayers’ Association weighed in that this was a prudent thing to do—that this was an arbitrary decision in the statute, originally, and so lowering the bond reserve requirement makes sense. We have verified on the record that there is no harm to the bond rating by doing this, because it is enabling legislation. This allows the districts to decide, with their financial advisers, what the appropriate action to take will be.

So with all of that information, Mr. Speaker, I ask the body for their consideration of this legislation and for your support. Thank you.

ASSEMBLYMAN SHERWOOD:

I thank my colleague from District 30. Nobody can argue against children and schools. We all agree on that. When we talk about the voters’ will and we talk about the duty that we have to them and the duty that, quite frankly, each of the school districts has to the voters and to the state, there is a fiduciary responsibility of spending our money wisely. In good conscience, I cannot support money that is not spent as if it were your own money.

From 2005 to 2008 in Nevada—in our public works—we paid \$450 million more than we should have if we did not have prevailing wage. And so when you pay more for something we can all agree that we need, we are not doing our fiduciary responsibility. That would be the first point.

The second point, of course, is the elephant in the room, and it’s kind of the cynical nature of this legislation, which concedes that we can use the reserve money, and it stays in the district, but it blows a hole in Governor Sandoval’s budget—a budget that he presented to this body more than a month ago and a budget that has not been rebutted in a holistic approach by the other party. So it is very disingenuous, and I cannot support it. I would love to see something come back as a holistic response, but as a one-off to blow a hole in a holistic budget from a governor who was—

MR. SPEAKER:

Mr. Sherwood, I will let this go on for a moment, but I want to caution you that you need to speak to the bill. You are speaking about the Governor's budget. I caution you to speak to the bill.

ASSEMBLYMAN SHERWOOD:

And I think that is part of the problem, that it is all interrelated. We are kidding ourselves if we think these one-off things are not interconnected, and it is cynical. The voters did not send us up here for 120 days to do one-offs. I will conclude with that. Thank you.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill 183. While we all clearly recognize the shortfalls in this economy, I feel it would be inappropriate to dedicate money to classroom construction, but rather, if there are any reserves available, they need to be dedicated to instruction in the classroom and, again, allowed by the school districts. Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. If I may respond on the fiduciary responsibility, I think that goes to the very merits of what we are talking about. This money was approved by the voters for this very purpose. That is my fiduciary responsibility. I doubt there is anyone else in the building that is more worried about the budget concerns or takes it more seriously than I do. This is our fiduciary responsibility—to honor what the voters passed and let these elected boards in the 17 districts take care of their fiduciary responsibility. Thank you, Mr. Speaker.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Mr. Speaker. I rise today in support of Assembly Bill 183. I rise first as a legislator representing the constituents of Assembly District 27, which contains some of the oldest schools in the state. For example, Mount Rose Elementary School is about to celebrate its centennial anniversary. All of the other schools in my district were built in the late 1950s, such as Anderson Elementary School, which is 56 years old, or in the late 1960s, such as Swope Middle School, which was built in 1966. Many of these schools have old and unsafe infrastructure and are lagging in terms of safety. For my constituents, it presents educational inequities. The 345 students at Hunter Lake Elementary School are safer, because their school has been revitalized, than the 418 students at Anderson Elementary School, who are still waiting for their 56-year-old school to be revitalized.

I not only stand as a legislator, but I stand as a parent of two young children who are zoned for schools that are over 50 years old, neither of which has been revitalized. I am willing to sacrifice a lot for my state, but not the safety of my children. That is why I will be voting for this bill. Thank you.

Roll call on Assembly Bill No. 183:

YEAS—25.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

EXCUSED—Diaz.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Conklin moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Wood and Richard Cherchio.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday Schaffer.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Davila and Mercy Peterson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Goldsworthy and Jan Jensen.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Crandell.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Pequeen.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Philip Hanna.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Maher and Kapua Conley.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Varney.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Ashe, Christian Barr, Hannah Brunzman, Brandon Caras, Sophia Colella, Faith Connely, Omar DeArcos, Bridgetta DiMartino, Austin Dunagan, Mariah Elmer, Marc Lobato, Mahiingan Mattson, Mathew Michielsen, Bryson Morrison, Hunter Moses, Isabelle Peterson, Rosealee Rieman, Alyssa Ryan,

Gregory Sanotsky, Noah Sedgwick, Kaitlyn Smith-Peterson, Kylie Swan, Max Whear, Jessica Withrow, and Sydney Woodward.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Shaundell Newsome.

Assemblyman Conklin moved that the Assembly adjourn until Friday, March 4, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly