

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 12, 2013

Assembly called to order at 11:38 a.m. in the old Assembly Chambers at the historic Capitol Building.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord, it's a historical day. The history of our state is all around us. We are grateful for these hallowed chambers and those who have gone before us serving the state of Nevada. In just a moment, as we pledge allegiance to our flag, we will be reminded that we are "One nation under God." The Psalmist once wrote, "Blessed is the nation whose God is the Lord."

Father, may it be so.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne 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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Senate Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblyman Horne moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 57 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 23, 72, 83, 89, 115, and 127; Assembly Joint Resolution No. 1, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

March 11, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 34, 74, 76, 84, 86, 91, 104, 106, 111, 113, 122, 130, 138, 139, 140, 145, 146, 151, 161, 163, 164, 166, 167, 186, 195, 196 and 222.

CINDY JONES

Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hambrick:

Assembly Bill No. 235—AN ACT relating to crimes; revising provisions governing the prohibition against possessing certain weapons while on certain property; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Daly, Carrillo, and Healey:

Assembly Bill No. 236—AN ACT relating to motorcycles; allowing lane splitting in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 237—AN ACT relating to State Government; adjusting the compensation of certain members of certain state boards, commissions and similar bodies; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Kirner, Hardy, Ellison, Fiore, Grady, Oscarson, Stewart, and Wheeler:

Assembly Bill No. 238—AN ACT relating to education; requiring the State Board of Education, in consultation with the Board of Regents of the University of Nevada, to select a college entrance examination to determine the achievement and proficiency of pupils enrolled in grade 11 in public high schools; requiring the board of trustees of each school district to use the results of the examination to identify any subject areas in which a pupil may be deficient; revising the requirements to receive a standard high school diploma; eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 239—AN ACT relating to energy; authorizing the Director of the Office of Energy to charge and collect certain fees from applicants for certain energy-related tax incentives; revising provisions relating to eligibility for and approval of applicants for certain energy-related tax incentives; revising provisions relating to the granting of permits for the construction of certain utility projects; establishing the Economic Development Electric Rate Rider Program; requiring the Public Utilities Commission of Nevada, in consultation with the Office of Economic Development, to administer the Program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 240—AN ACT relating to civil actions; revising provisions governing comparative negligence; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 57 requires the Administrator of the Nevada Equal Rights Commission, instead of the Commissioners, to prepare and submit a biennial report concerning the activities of the Commission to the Governor and Director of the Legislative Counsel Bureau.

Roll call on Assembly Bill No. 57:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 57 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 12 removes a provision requiring an employee to provide notice to his or her employer before filing a complaint with the Division of Industrial Relations of the Department of Business and Industry regarding retaliatory action by the employer.

Madam Speaker, in your Commerce and Labor Committee, there was extensive testimony on this bill. This will bring us into compliance with standards that are recommended in the Whistleblower [Investigations] Manual, which is a federal manual. Furthermore, there seemed to be some misunderstanding during the hearing. This does not keep an employer in the dark; the complaint as to a safety or health concern has already been made by the employee. This chapter has to do with if the employee feels that there has been retaliatory action taken against him because of that complaint.

Thank you, Madam Speaker. I urge everyone's support.

Roll call on Assembly Bill No. 12:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 12 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

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

Motion carried.

FORMER NEVADA STATE ARCHIVIST GUY ROCHA:

I am honored to continue this tradition dating back to 2003 when I first spoke to the Assembly members as State Archivist in this Chamber. I want to thank Chief Clerk Susan Furlong. She has been very helpful in preparing my remarks.

I retired as State Archivist over four years ago after working for the state of Nevada for 32 years. I'm much younger than I look. I hope you think so; I think so. I observe there are only three members of the Assembly today who witnessed my inaugural presentation ten years ago. I'm making that statement to talk about longevity, continuity, and the kind of dynamics that I see in our Legislature today versus the days when people served 30 and 40 years.

Now in 1969 when the last floor session of the Nevada Assembly met here, after meeting for virtually 100 years in the historic State Capitol, I was preparing to graduate from Edward W. Clark High School in Las Vegas and would soon be attending Syracuse University in New York on a wrestling scholarship. I want to recognize one of my high school teachers, Assemblyman Harvey Munford. Thanks again, Harvey, for all you did for me. I should also recognize my elementary school and junior high school cohort, Assemblywoman Marilyn Dondero Loop.

Long-time Assembly Speaker Joe Dini—36 years of service—and a great friend to the State Archives, retired from the State Assembly in 2001 and was the last Assembly member to serve in the 1969 Session in this Chamber. Conspicuously, only 15 Assembly members today have three or more sessions of legislative experience.

I also note, according to the 2013 *[Nevada] Legislative Manual*, 11 Assembly members weren't born yet when the Assembly last met here.

The Nevada Legislative Building, along with the Arizona and North Carolina legislative buildings, are the only three freestanding legislative buildings in the nation, and all enjoy commodious surroundings with the latest in technology.

By dictionary definition, a capitol building is where the legislature meets. Carson City has had four capitols: the Warm Springs Hotel, where the 1861 Territorial Legislature met, which was later the Nevada Territorial and State Prison that has just been closed; the first Ormsby County Courthouse, before the one across the street at the southwest corner of Musser and Carson Streets, where the Territorial and State Legislatures met on the second floor from 1862 until 1869, as well as the two constitutional conventions that were held in 1863 and 1864; this building, now more properly called the old or historic State Capitol, where the Legislature did business from 1871 until 1969; and since 1971, the current state capitol where the Legislature meets is known as the Legislative Building. The state of Nevada refers to the many state buildings in downtown Carson City as the Capitol Complex. I'm just defining very closely that technically, this is the state capitol today for the Assembly, but where you meet, according to the definition in the dictionary, that is the state capitol.

As you know, today there are 42 members of the Assembly, 41 apparently in this room. Can you imagine 53 members of the Assembly in 1913 squeezed into these Chambers "cheek by jowl" before it was expanded to its current size in 1915? Half this room—53 people in it. I hope you enjoy those offices over there. So half the size, 53 members, the desks served as their offices. Imagine again how the respective committees handled their business without committee rooms—very differently.

Would you believe the remodel bill to expand the wings of the Capitol in 1915 was lost on Third Reading in the Assembly and was passed only after a motion was made to reconsider and several more days of argument over the cost? You can imagine that. This is Nevada.

We are fortunate to be able to conduct this floor session in the old Assembly Chambers today. In 1955, it was agreed that the State Capitol be torn down and four so-called modern buildings be constructed on the Capitol grounds to conduct the state's business. With the completion of the Blasdel Building next door, the 1957 Legislature decided no more modern, arguably ugly and cheap buildings like the Blasdel Building be constructed and that the State Capitol should be saved for posterity. Could you imagine four of those? One was enough to deal with in my 32 years.

The Capitol sustained a major seismic retrofit and renovation in the late 1970s and early 1980s. The tin-coated steel cupola was replaced with a lightweight fiberglass one. Contrary to popular lore that the dome was made of silver, the dome was never made of silver. Imagine the state of Nevada paying for something as expensive as a silver dome. I don't think so. We'd like to believe so, but we didn't do it.

Thank goodness for historic preservation and archival records used for research; we are once again here to do the state's legislative business and celebrate Nevada's colorful history.

Speaking of political history, I would be remiss if I didn't share with you the names of the members of the Assembly who served in this Chamber and went on to serve as governors and members of Congress.

Governors of Nevada who served in the Assembly and sat in the old Assembly Chambers include Fred B. Balzar, Esmeralda County, 1905; Richard Kirman, Ormsby County, previous to Carson City, 1899, who was elected to the Assembly at the tender age of 21 and later served as Reno mayor in his twenties; Charles H. Russell, White Pine County, 1935-1939; and Richard H. Bryan, Clark County, who served his freshman term in 1969.

Nevada members of the U.S. House of Representatives who served in the Assembly and sat in these Chambers include Thomas Wren, Eureka County, 1875. He sponsored ground-breaking legislation in Nevada that required the state to pay for legal counsel for the indigent to address U.S. Sixth Amendment and Nevada constitutional provisions for right to counsel—very progressive at the time. Clarence Dunn Van Duzer, Humboldt County, 1901, who served as Speaker and later, thanks to congressional immunity, escaped being arrested on the U.S. Capitol grounds on his last day in office in 1905 for bilking investors in wildcat mining schemes. Charles L. Richards, Nye County, 1919; Berkeley Bunker, Clark County, 1937-1939, who served as Speaker in 1939; Charles H. Russell, White Pine County, 1935-1939; Walter S. Baring, Washoe County, 1937; and Harry Mason Reid, Clark County in his freshman term in 1969.

Nevada U.S. Senators who served in the Assembly and sat in the old Assembly Chambers included George S. Nixon, Humboldt County, 1891, for whom the community of Nixon on the Pyramid Lake Reservation is named; William A. Massey, Elko County, 1893; Charles B. Henderson, Elko County, 1905, for whom the city of Henderson is named; Patrick A. McCarran, Washoe County, 1903, the namesake of Las Vegas' International Airport—U.S. Sen. Majority Leader Harry Reid wants to drop McCarran's name from the airport and he also wants that statue out of [National] Statuary Hall; Berkeley L. Bunker, Clark County, 1937-1939; Ernest S. Brown, Washoe County, 1933; the Honorable Harry M. Reid, Clark County, 1969; and Richard H. Bryan, Clark County, 1969.

There have also been two other U.S. Senators of note that spoke in this Chamber during 1960, the only annual session in modern Nevada history, when the state's population was a mere 285,000 residents.

The two most prominent Senators running for the Democratic nomination for the U.S. President spoke to a joint session in this Chamber. They were John Fitzgerald Kennedy of Massachusetts, on February 1, 1960, and Hubert Heratio Humphrey of Minnesota, on February 9, 1960. Vice President Richard Milhous Nixon, running for the Republican presidential nomination, was also invited to speak to the Legislature. However, he sent his regrets that he could not accommodate another area engagement after recently flying into Reno with Second Lady Patricia Nixon, a native of Ely, to preside over the opening of the Squaw Valley Winter Olympics on February 18, 1960.

In closing, I want to share with you the story behind the 1895 statute, now NRS 331.190, which I know you all know, which prohibits the sale, gift, or disposal of liquor in the State Capitol building.

Prior to this law being passed, the most lucrative concession in Carson City was running the bar, or "the well" as it was commonly known, in the Capitol during the legislative session. Prodigious amounts of alcohol were consumed during the course of the legislative process, and some legislators were known to carry guns.

Reformers were concerned about the example set for Nevadans and apparently the quality of the legislation produced during the sessions. In 1893, Senator John Forbes of Esmeralda County introduced Senate Bill 14, "An act to prohibit the sale of intoxicating liquors in the state capitol." Violation of the proposed law was a misdemeanor and included a fine not to exceed \$100 and/or imprisonment not to exceed 50 days. The bill easily passed the Senate with a vote of 11 yeas and 2 nays. However, the Assembly, in this Chamber and presumably with some of its members under the influence, killed the anti-well bill by a vote of 16 against and 13 for. Undaunted, the reformers returned to fight another day.

In 1895, Assemblyman J. I. Wilson of Lyon County introduced Assembly Bill 14, "An act to prohibit the sale of ardent spirits within the Capitol building of the State of Nevada." The misdemeanor penalty associated with the proposed legislation included a fine of not less than \$100 and not exceeding \$500 or imprisonment in the county jail for not less than one month and not exceeding six months.

The bill received a “do pass” from the Assembly Committee on Public Morals, and a petition from the Women’s Christian Temperance Union, who were praying for the passage of Assembly Bill 14, was presented and read on February 5. However, the bill lost by a tie vote. Assemblyman S. L. McNaughten of Esmeralda County gave notice that on the next legislative day he would move a reconsideration of the vote.

The Assembly voted to reconsider the bill on February 6 and after much parliamentary maneuvering—an amendment to the bill proposed by J. A. Conboie of Storey County—Assembly Bill 14 passed the Assembly on February 8 by a vote of 26 to 3 and 1 absent.

Annie Hudnall Martin, pioneer owner and editor of the *Carson City News*, in 1895 wrote:

McNaughten moved a reconsideration of the vote by which the “anti well” bill was lost the preceding day. He did not pose as a prohibitionist but urged the passage of this bill for the benefit of the rising generation and in the interest of good morals and decency and all that was respectable and commendable. The motion to reconsider was carried by a vote of 16 to 11. When the bill came up for the final vote, Constant moved for indefinite postponement. Lost. The motion to make the bill a specific order for Monday was lost. Conboie moved to amend by having the bill take effect after April 1, 1895. Amendment adopted and the whole proceeding thus turned into a farce.

The Senate easily passed the bill, and Governor John E. Jones signed it. The Women’s Christian Temperance Union’s prayers were answered.

The 1895 Legislature, because of the amendment, could spend the rest of the session drinking, and beginning in 1897, legislators were compelled to walk across the street to patronize Carson City’s bars and saloons to do their drinking. And it has never changed.

Now you know the story as to why we are not drinking booze in the old Assembly Chambers today. Here is to a memorable day in the history of Nevada.

Thank you and my best in the 2013 Legislative Session.

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 Consul General of Canada David Fransen, Staff Sergeant Gerald Gervais, Alain Hoode, Marta Moszczenska, Consul Nadia Scipio del Campo, and Omeed Mosavat.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Sage Ridge High School: E.B. Armstrong, Mac Cronin, Grant Gabriel, Xieyi Huang, John Dewald, Corrine Lowe, and Kristen Lowe.

Assemblyman Horne moved that the Assembly adjourn until Wednesday, March 13, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly