

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 4, 2015

Assembly called to order at 12:36 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Fiore, who was excused.

Prayer by the Chaplain, Pastor Ben Fleming.

Heavenly Father, thank You for this day. Let Your eyes be open and Your ears attentive to the prayer in this place. Thank You for the opportunity these servants have to serve well the people of Nevada. The Psalms tell us that the law of the Lord is perfect, reviving the soul. I ask that You would help Your servants work well with the laws of our state. May their work today bless and enrich the lives of all Nevadans. Give them wisdom to make just laws. Give them patience as they work together.

I pray this in the name of Your Son Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson 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 Government Affairs, to which was referred Assembly Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2804

February 24, 2015

ASSEMBLY SPEAKER JOHN HAMBRICK, Nevada Legislature, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER HAMBRICK:

As Representative in the United States Congress of the Fourth District of Nevada, I would like to request permission to address a joint session of the Nevada Legislature on Wednesday, April 8, 2015 at 5:00 p.m.

If you have any questions, concerns or would like to coordinate the details of my address, then please contact my district scheduler, Kelly Espinoza at (702) 912-1634 or email her at kelly.espinoza@mail.house.gov.

Thank you for your time and for your consideration of my request. I look forward to hearing from you.

Sincerely,
CRESENT HARDY
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 3, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 4.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 4.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Benitez-Thompson, Kirkpatrick, Diaz, Thompson, Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Joiner, Spiegel and Sprinkle:

Assembly Bill No. 218—AN ACT relating to education; requiring the board of trustees of each school district and the governing body of a charter school to consult with the Division of Emergency Management of the Department of Public Safety before constructing, expanding or remodeling buildings for schools or related facilities; requiring each school district in certain counties to appoint an emergency manager; requiring the Department of Education to conduct an annual conference regarding safety in public schools; requiring the board of trustees of each school district and the governing body of a charter school to provide drills to instruct pupils concerning lockdown procedures; requiring a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 219—AN ACT relating to interpreters; replacing the term “person with a language barrier” with “person with limited English

proficiency”; making various other changes to provisions relating to court interpreters; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 220—AN ACT relating to insurance; requiring the Commissioner of Insurance to study the adequacy of network plans offered for sale in this State by health insurers and report the results of the study to the Governor and the Legislative Committee on Health Care; requiring the Committee to study the report and make recommendations to the Legislature for legislation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 221—AN ACT relating to education; making various changes concerning policies governing data which includes information about pupils that is maintained by the Department of Education; requiring certain contracts that require disclosure of personally identifiable information concerning pupils to include provisions concerning the protection of such information; requiring the Department to adopt a data security plan for collecting, maintaining and transferring data concerning pupils; requiring the annual report of the state of public education to include certain information concerning the collection, maintenance and transfer of pupil data; requiring certain entities to adopt policies concerning data which includes information concerning pupils; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Kirner (by request):

Assembly Bill No. 222—AN ACT relating to facilities for the dependent; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to impose certain administrative sanctions against a person who operates a facility for the dependent without a license; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 119.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 119 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 207, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblymen Paul Anderson, Spiegel, Stewart, Joiner, Titus, Hickey, Moore, Trowbridge, and Silberkraus.

ASSEMBLYMAN PAUL ANDERSON:

Yesterday our colleagues in the Senate used an emergency bill to pass an emergency measure, Senate Bill 207. Today we in the Assembly act with the same sense of urgency. Our children need schools, and they need them as soon as possible. This is a statewide need; north and south, urban and suburban, Democrat and Republican. For these reasons, I am pleased to urge support for this bill today, and I am grateful for the bipartisan support that I believe we will receive. This bill presented some of the first real tests of this session, and I am proud of the way we have responded to the stress and challenges of the office. I am honored with the way we have exercised our duties.

ASSEMBLYWOMAN SPIEGEL:

I stand in support of Senate Bill 207. This bill is great for our students and it is good for our middle class families. I urge your support.

ASSEMBLYMAN STEWART:

I, too, rise in support of Senate Bill 207. I have had the opportunity of visiting many schools in Clark County. I have been in a Spanish class with 40 students, a band class with 65 students, and a P.E. class with over 90 students. So this bill is very badly needed. Also, this is the best time to get a bond rollover for the interest rate, and I strongly urge your support.

ASSEMBLYWOMAN JOINER:

I rise in support of this measure. I am very pleased to see that the provisions in Senate Bill 207 are consistent with the amendment I proposed during the work session yesterday in Government Affairs on Senate Bill 119. I think this is a very important first step to address the infrastructure problems we have in our schools. It is the right thing to do for our children and it is the right thing to do for our middle class families.

ASSEMBLYWOMAN TITUS:

I rise in opposition to Senate Bill 207. I feel that it circumvents the voters' right to vote on a tax. I believe that rollover bonds are indeed that. In my district the voters overwhelmingly rejected the bond rollover, so I stand opposed to this.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 207. While I respect the sentiments of my colleague from Lyon County, my understanding of this bill is that it is not a new tax. It is addressing a need that we have witnessed first-hand for this session and last in Washoe County. It, in fact, does not raise taxes. It will extend the bonding authority for schools. That bonding authority would have been picked up by someone else. I think it is prudent of us. It is important for us to make that

investment in our schools. After all, that is what we have said—all of us; many of us campaigned on it. That is why we are here this session—to make a difference in our schools—I proudly support this. I would also add that there are other elements in another bill, S.B. 119, that I think will be addressed by this body. I look forward to those being part of not only revenues, but reforms that this body can be proud to take part in.

ASSEMBLYMAN MOORE:

I rise in opposition. I support my colleague in that I agree that we need new schools, and we need to get our kids educated. However, I feel that this does go around the will of the voters by extending the bond rollover for an additional ten years. I would oppose this.

ASSEMBLYMAN TROWBRIDGE:

I also stand in opposition to S.B. 207. It is not that I don't support the construction of schools; I oppose the rollover of the bonds to 2026 without a vote of the people.

ASSEMBLYMAN SILBERKRAUS:

I rise in support of S.B. 207. A few months ago, we all sat in this Chamber as the Governor spoke to all of Nevada about building for our future. Today we in this body, here in the people's house, are looking to lay the first brick. I gladly stand in support and look forward to building a better future for all of our children.

Roll call on Senate Bill No. 207:

YEAS—27.

NAYS—Dickman, Dooling, Edwards, Ellison, Gardner, Hansen, Jones, Moore, O'Neill, Oscarson, Shelton, Titus, Trowbridge, Wheeler—14.

EXCUSED—Fiore.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 82 and Assembly Bill No. 78 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Paul Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Hansen, Araujo, Ohrenschall, Nelson, and Gardner.

ASSEMBLYMAN HANSEN:

Assembly Bill 110 requires, if the court finds that an unrepresented party engages in certain frivolous or vexatious claims and defenses, then the unrepresented party must pay resulting additional costs, expenses, and attorney fees reasonably incurred by an opposing party. In addition, the bill specifically provides that the intent of the Legislature for the court to award costs, expenses, and attorney's fees and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations extends to situations involving persons not represented by an attorney who engage in certain frivolous or vexatious claims and defenses.

ASSEMBLYMAN ARAUJO:

I have a question for my colleague from Assembly District 32. Under line 10 in page 2, what do “unreasonably and vexatiously” mean?

ASSEMBLYMAN HANSEN:

In reply to my colleague, that would be left up to a judge to determine. I am sure there are very clear rules that a judge would follow. But because those are semi-vague terms, we have to have a little bit of confidence that the judges we elect in the state of Nevada will very wisely determine if, in fact, somebody who is not an attorney is intentionally being vexatious and simply filing lawsuits to try to get some settlements or other things like that. So while it is not perfectly defined, I think you will find that if you have any confidence at all in the judges that we elect in this state, those individuals do a fine job making sure that parties who are not attorneys will, in fact, have a reasonable opportunity to present whatever their side may be. But if, in fact, they abuse the system in an attempt to force settlements and things like that, they will find that they have to pay some costs rather than, as the current law is, be allowed to file multiple lawsuits with absolutely no consequences.

ASSEMBLYMAN ARAUJO:

I would just like to clarify that I do stand in opposition because this bill hurts the everyday constituent in my district who may not be able to afford an attorney and is now going to be held to the same standards as one.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 110. While I have the greatest admiration for my colleague from Washoe County, my concerns with this bill have to do with holding our constituents to the same standard that the rules of professional conduct hold members of the bar to. For those of us who are practicing attorneys, we know the standards we have to live up to. But for our constituents—and there are tens of thousands of them—you can go to any courthouse in this state and see self-help centers and see our constituents who cannot afford to be represented by counsel. They have no choice but to represent themselves. Unfortunately, what Assembly Bill 110 does is change the policies we have now. Nevada Rules of Civil Procedure Rule 11 allows judges discretion now to penalize a vexatious litigant: a litigant who is just trying to drag things out, trying to hurt the opposing party. In fact, the word is “may”, but A.B. 110 changes that to a “shall”. It takes away discretion from our elected judges, the very discretion that your Chairman of Judiciary was talking about, Mr. Speaker. The other point I want to bring up is that our state does not have a pro bono requirement, and while we wish that there were adequate numbers of attorneys out there who could take the time to represent the unrepresented constituents, we don’t have them, and often times our citizens have to represent themselves. My fear is that this bill is going to have a chilling effect on citizens who want to protect their rights in court but cannot afford an attorney, and I urge its defeat.

ASSEMBLYMAN NELSON:

I rise in support of this bill. The judges will still have the discretion because they have to find that it is a vexatious lawsuit—that is being used to clog up the courts and cause different problems. I will say that I have served as a law clerk to two judges, one a state judge, one a federal judge, and I have practiced law for over 30 years. My experience is that judges bend over backwards to help pro se litigants, and they do not fine them unless their patience has been exhausted to the nth degree. I think this will close a loophole in the law which we need closed.

ASSEMBLYMAN GARDNER:

I also rise in support of this bill. I would disagree respectfully with the other opponents of this bill that this sets pro bono people at the same standard as an attorney. I have also been in court for several years. I have dealt with this from the judge’s level and also through other levels, and judges will do anything they can to make it worthwhile and helpful to pro bono people—the exact opposite of what happens to us attorneys. We are held to a much higher standard, and this will just reinforce that standard.

Roll call on Assembly Bill No. 110:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Fiore.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 155.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 155 allows for the issuance of a special license plate recognizing professional firefighters to a retired firefighter who has earned creditable service in any jurisdiction outside of the state of Nevada. The applicant must provide proof of his or her former employment that is acceptable to the Department of Motor Vehicles.

Roll call on Assembly Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 64 revises the qualifications for the Chief Financial Officer, Housing Division, Department of Business and Industry. The measure requires that, in addition to having a comprehensive knowledge of the principles and practices of public finance, the CFO must have either a license to practice as a certified public accountant issued by this state or another state of the United States; or at least five years of responsible experience in investment banking, general accounting, public finance, or a related field. The effective date of this bill is upon passage and approval.

Roll call on Senate Bill No. 64:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 82 is a clean-up bill. It removes an obsolete provision from state law relating to the assignment of personnel of the Capitol Police Division, Department of Public Safety, to provide security services to the justices of the Supreme Court and the judges of the Court of Appeals.

Roll call on Senate Bill No. 82:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 78.

Bill read third time.

Remarks by Assemblyman Wheeler and Ellison.

ASSEMBLYMAN WHEELER:

Assembly Bill 78 authorizes the Board of Wildlife Commissioners to increase the maximum fee that may be collected and used for the prevention and mitigation of damage caused by elk or game mammals not native to Nevada. The bill authorizes the Wildlife Commissioners, through adoption of a regulation, to increase the fee used for damage prevention and mitigation from \$5 up to a maximum of \$10. And I am sure there will be questions.

ASSEMBLYMAN ELLISON:

I stand in support of Assembly Bill 78. The reason I am standing before you today is a lot of people are getting this confused with a tax. It is not a tax. It is a user's fee, and in my district where hay fields are being destroyed by elk, this money will go back in to help pay for that. So I stand in support.

ASSEMBLYMAN WHEELER:

I also stand in support of Assembly Bill 78. I want to make sure that it is very clear that this is not a fee on the hunting license but only on the elk tag, and the Department of Wildlife is not actually required to raise the fee. It would only be used to mitigate damage for non-native herds such as elk that we brought in for these hunters to use.

Roll call on Assembly Bill No. 78:

YEAS—36.

NAYS—Elliot Anderson, Carlton, Carrillo, Moore, Shelton—5.

EXCUSED—Fiore.

Assembly Bill No. 78 having received a two-thirds 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 1:16 p.m.

ASSEMBLY IN SESSION

At 3:40 p.m.

Mr. Speaker presiding.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Kawelmacher and Alisha Ketter.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Nana Matsumoto and Johathon Myers.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from St. Teresa of Avila Catholic School: Connor Arnold, Mallory Abowd, Adam Avina, Thomas "Tommy" Callister, Claire Callister, Bea Campbell, Max Connors, Ava Coons, Thomas Cook, Jescinto "Jesse" Delgado, Morgan de la Torre, Melina Duarte, Spencer Fitzpatrick, Owen Hickenbottom, John "Jack" Gladys, Sabrina Jones, Gavin Green, Grace Kenney, Noah Hamilton, Lilyann Lee, Sophia Jones, Frine Lugo, Ella Lawson, Justin McCraw, Callie May Robinson, Emily Phillips, Gael Rosales-Lugo, Cole Pradere, Hailey Shirley, Maddie Roberts, Colby Simola, Brynn Russell, Hannah Weinreich, Madeline Silsby, Zane Woods, Christain Thackston, Josephine "Josie" Verive-Cain, Peyton Wagner, Hannah Young, Katerina von Rumpf, Julie DeRosa, Melina Duarte, and Spencer Fitzpatrick.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, March 5, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:40 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly