

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 10, 2015

Assembly called to order at 11:41 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Al Tilstra.

Father of lights, You are light and in You there is no darkness. Your word is a lamp unto our feet and a light unto our path. I beseech You, therefore, to enable these servants of Yours to see clearly the issues set before them today. Grant them the wisdom and the courage necessary to make good decisions in the best interest of all the citizens of the great state of Nevada.

I pray in the Name of the One whose light still shines brightly.

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 were referred Assembly Bill No. 58; Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 31, 148.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Munford, Ohrenschall and Wheeler:

Assembly Joint Resolution No. 6—Proposing to amend the Nevada Constitution to allow the Legislature to authorize this State to operate a lottery for support of the public education of children and the health and welfare of senior citizens.

WHEREAS, A society is judged by the manner in which it treats its most vulnerable citizens; and

WHEREAS, The children of the State of Nevada are the future of this State and the public education of those children is vitally important to the future success of this State; and

WHEREAS, The system of public education extending from kindergarten through grade 12 is often not funded sufficiently; and

WHEREAS, The senior citizens of this State deserve continuing support into their golden years because of the service and sacrifice that they have extended on behalf of this State; and

WHEREAS, The cost of providing adequate health care to senior citizens has been escalating rapidly in recent years and, as a result, many senior citizens do not have access to adequate resources of health care; and

WHEREAS, Proceeds from a lottery may not be sufficiently reliable or stable to rely upon such proceeds to pay entirely for programs that benefit children and senior citizens; and

WHEREAS, The Legislature will determine how best to apply proceeds from a lottery to benefit children and senior citizens by accounting for such proceeds separately and by using such proceeds to supplement and enhance existing, permanently funded programs; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the Nevada Constitution be amended to read as follows:

~~{See-} Sec. 24. 1. {Except as otherwise provided in 1 subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.}~~ ***The Legislature may authorize a lottery to be operated by the State of Nevada. If the Legislature authorizes such a lottery, the Legislature shall, by law:***

(a) Determine the appropriate manner of operation for the lottery.

(b) Account separately for the proceeds of the lottery for expenditure in the same manner as other noncontinuing sources of revenue.

(c) Provide by appropriation for the disbursement of the proceeds of the lottery, less expenses directly related to the operation of the lottery, only for programs and services that enhance:

(1) The public education of children within this State.

(2) The health and welfare of senior citizens within this State.

(d) Ensure that the proceeds from the lottery, other than expenses directly related to the operation of the lottery, may only be used to supplement and not supplant money that the State would otherwise have expended for the programs and services described in paragraph (c).

2. The ~~{State and the}~~ political subdivisions ~~{thereof}~~ of this State shall not operate a lottery. ***Except as otherwise provided in subsection 3, the Legislature shall not authorize the operation of any private lottery.***

3. The Legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this State. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The Legislature may provide by law for the regulation of such lotteries.

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

Motion carried.

NOTICE OF EXEMPTION

March 9, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 130, 162 and 190.

CINDY JONES
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Keith Wood of Brass Cannon Productions; Ray Kinney, Stanton Tang, and Catherine Van of KOLO 8 News NOW be accepted as accredited press representatives and allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Bustamante Adams and Diaz:

Assembly Bill No. 246—AN ACT relating to cosmetology; revising provisions governing advertising of services relating to the practice of cosmetology; establishing the procedures for the registration and training of apprentices for aestheticians, hair designers and nail technologists; establishing the procedures for the licensure of shampoo technologists; providing a fee for the registration of such apprentices and the licensure of shampoo technologists; revising provisions relating to the licensure of various cosmetology professionals, cosmetological establishments and schools of cosmetology; revising provisions concerning service animals and service animals in training that are on the premises of a licensed establishment for hair braiding or cosmetological establishment; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Wheeler (by request):

Assembly Bill No. 247—AN ACT relating to foster care; revising provisions relating to licensure of foster homes; requiring the licensing authority to provide certain resources and information about services to foster homes; requiring a foster home to report annually certain information about each foster child; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 31.

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

Motion carried.

Senate Bill No. 148.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time and ordered to third reading.

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Assembly Bill No. 41.

Bill read second time and ordered to third reading.

Assembly Bill No. 45.

Bill read second time and ordered to third reading.

Assembly Bill No. 63.

Bill read second time and ordered to third reading.

Initiative Petition No. 1.

Bill read second time and ordered to third reading.

Initiative Petition No. 2.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 70 and Senate Bill No. 21 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 99.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 99 exempts an organizational camp from the sanitation requirements imposed upon construction and labor camps if the organization is owned or operated by a tax-exempt nonprofit organization and the camp takes place on property for which a special use permit has been issued by the United States Department of Agriculture. The effective date is upon passage and approval.

Roll call on Assembly Bill No. 99:

YEAS—42.

NAYS—None.

Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Paul Anderson requested that the following remarks be entered in the Journal.

ROBERT A. NYLEN, CURATOR OF HISTORY, NEVADA STATE MUSEUM:

It is really quite an honor for me to be here today. I was thinking as I was coming over here, I wish my parents could be here to see their son speak to the state Legislature. Thank you for inviting me.

What I wanted to talk about—actually I was going to play the part of William Stewart, and that is why I am dressed this way. But it did not work out that way so I will just tell you a little bit about William Stewart. It is maybe a name that some of you recognize. He was our first U.S. Senator, selected by the Legislature back in 1865. Prior to that, he played a significant role in making Carson City the state territorial capital which eventually gave it the opportunity to become the state capital of our state, as it still is today.

It all started when William Stewart came West. Like many, he was caught by the excitement of the cry of gold to come to California. He came in 1850, coming through the Panama area. Once he got to San Francisco, California, he got terribly sick with Panama fever as it was called. Because he was young and because he was strong, he survived. He actually had some teamsters take him in a wagon for a three-day journey to the gold fields. Then he spent another nine days on the verge of death. But he survived. He said in his reminiscences that he had \$10 and a watch. That was all he had when he got better.

Stewart went into mining and became very successful at that in the gold fields of California, but then he became a lawyer, too. He read law during the day whenever he had a chance and at night. He passed the bar and, incredibly, at age 27, he became the Attorney General of California. He became an expert in mining law and later, when he was a U.S. Senator from Nevada, he became known as the Father of National Mining Law because of his experiences.

Eventually he got excited like many others when this area known to Californians as Washoe started to boom. He also wanted that opportunity and came here, first by himself, and then he brought his family in 1860. In 1861, he was in the Carson City area. After we became a territory, he was selected, with others, to serve in the first Territorial Legislature which opened in October of 1861. He was selected to represent Carson City and Ormsby County, and was in what was known as the Territorial Council, which would be the Senate, and there was the House, which would be the Assembly. He was elected and he knew his mission was to make Carson City the capital. He set out right away, meeting the different legislators and delegates coming to Carson City. The first Territorial Legislature met at the Warm Springs Hotel, today the site of our old historic prison, just a short distance from here.

He met with the different legislators that came. He asked them What did they want? How did they want their county drawn up? Where did they want their county seat? Eventually, late in the session, he drafted a bill. He introduced it towards the end; the session only lasted about two months. Many believed it would be Virginia City because it was the prominent, booming, largest population. All the wealth was there coming from the mines, and many of their delegates who came down thought that it was, so to speak in today's language, a slam-dunk. They would be the territorial capital. But William Stewart went behind the scenes, worked out the arrangements, worked out the deals, and when it came time for the vote, he won by three. He knew he would win by those three votes and he did.

It was a very emotional thing. There was an incident where two delegates got into a terrible fight in a bar in the Carson City area. One of them picked up a piece of wood and hit the other to such a degree that he was not able to attend the following session. It was a very strong point and a very important point. But Carson City was selected. There was a lot of excitement and entertainment that day. William Stewart would become our first U.S. Senator a few years later in 1865.

Stewart did regret, later in his reminiscences, that to make those arrangements he had to agree to, or got the delegates to agree to very small counties with county seats very close to the capital. Those small county seats were Washoe City, which would be about half way between here and Reno today; Dayton which was Lyon County; Douglas County with Genoa; and then Storey

County with Virginia City. They were only a short buggy trip away from the capital. The smaller counties put stress, he thought, on the taxpayers to pay for that additional government for these small areas of the state.

He did, interestingly enough, build a beautiful home here in Carson City, but he left after just a couple of years because his great love and his way of making his living was in mining. So he went up to Virginia City, built a huge mansion up there, and was one of the most successful mining attorneys with all the litigation that took place.

Eventually, in 1865, he was selected by the Legislature to be our first U.S. Senator. The second to be picked was our former Territorial Governor who also served a brief time as Governor, James Nye. They immediately went off to Washington to participate. He arrived on February 1 and took the oath of office with James Nye to be able to vote and participate in Congress.

What I want to finish up on is Stewart's dealings with Abraham Lincoln. We have the original great portrait over where you see it every day. When Stewart went to see Lincoln, he said that Lincoln greeted him so friendly. He grabbed him by both hands and said, It is so good to see you. It is good to see you here representing a loyal state. And also the fact that your gold and silver has helped us to finance this terrible war.

In the next two months, before Lincoln's assassination—which we are coming up on the 150th anniversary of that—he developed a very close bond with him. Stewart had some interesting comments about his meeting with Lincoln. He was invited to dinner several times, and Lincoln was very much open to legislators coming from the Congress and the Senate, but also the public. He was amazed how fast Lincoln could go through meeting all these Congressional figures. He had a real method to it. He was able to hear them out, hear what they were interested in, and then provide some of his thoughts on what they were after.

One story I want to tell that I thought was interesting is, just before the end of the Civil War, Stewart went out to General Grant's camp, the Union headquarters and had an opportunity again to run into Lincoln. Lincoln was there, and they were asked to and prepared to go and review the Union troops. Now, to do that, they would need horses. As they prepared to mount, one of the Union orderlies came up to him and said, Are you a good horse rider? Stewart was kind of offended by that. He was used to riding just about any kind of animal you could ride, and he said, I am capable of staying on anything. The orderly said, I did not mean to offend you, but I just want to warn you that this horse that we are going to provide for you was just captured from the Confederates, not that long ago. Stewart said, I think I can handle it, so he got on the horse and they rode over to see the Union troops. Lincoln was there and he was quite a horseman in his own right. Just as they were getting ready to come back, this horse he had perked up his ears, snorted from his nostrils, and took off at full speed for the Confederate lines, or for Richmond as he said. He was very embarrassed. Stewart tried to pull back on the reins and get him to stop but he lost his hat, and his coat was flapping in the breeze. The closer and closer he got to the Confederate lines, he could actually see the Confederates and they were looking at him, just stunned about him coming at them full speed. Finally, he mentions in his reminiscences, that the bit in the horse's mouth got back in place and he was able to, with one hand, turn the horse and get him to circle. Other Union Calvary that were following in desperation got him and got him back to the safety of the Union lines.

Well that night after dinner, Lincoln was sitting there and so was Senator Stewart. Senator Stewart said that Lincoln seemed kind of in deep contemplation and maybe even had a depressed look on his face. He turned to Stewart and said, Senator, today when I saw you heading for the Confederate lines I was very concerned. I was trying to figure out how I was going to trade a Union Senator since we did not have any Confederate Senators. Stewart said he had this twinkle in his eye. Later, Stewart also heard that while this whole incident was going on, Abraham Lincoln was watching through binoculars and kind of laughing at the whole situation. It turned out for the best and showed their friendship.

It is also interesting, to finish up here, with a story about the last day that Lincoln would be alive. On that April 15, 1865, Senator William Stewart and friend of his, a California friend who had come out and wanted to meet Lincoln, came to the White House that night at seven o'clock. Lincoln would meet people in the morning and at night. They came and sent a note up to Lincoln through one of his aides and asked if they could meet with him. Shortly they got a note handwritten back saying, No, I have made this arrangement with my wife, and I will not break it. I plan to go

tonight to the theater, but I will see you tomorrow at ten o'clock sharp in my office. And it was on a handwritten note. It is sad that later, as Stewart and his friend left, he just dropped that note; he lost that, such a valuable note. He contended in his reminiscences this was the last thing that Lincoln would ever write before he would be assassinated a few hours later. And, in fact, as they were leaving, they were outside and all of a sudden, Lincoln and Mary Lincoln came out. They were going into their buggy to head for Ford's Theater, and he saw Stewart again and his friend. Lincoln came over, shook the man's hand, and thanked both Stewart and the friend and said I will see you tomorrow at ten. Then he got in the buggy and left.

I think it is so great that our state has such a connection with Abraham Lincoln. I was born in Illinois, the Land of Lincoln, and it has been a special part of my life. I think it is so special that each day while you are doing your service to our great state of Nevada, that you have a chance to look up at that wonderful and beautiful portrait that was purchased to honor our relationship with the President of the United States, Abraham Lincoln.

Just to finish up on William Stewart, he served 29 years in the U.S. Senate. He actually had a brief period when he left but then he came back. When he finally decided not to run, he said it was not to retire but to go back to what he loved the best, his litigation in mining and law, and so he came back to Nevada. He went to southern Nevada, went down to Rhyolite and Bullfrog. There are some great pictures showing him on a mule riding around and also in his office down there, and I was just wondering if he ever did get to visit the new community of Las Vegas.

William Stewart was a great and interesting figure. Again, thank you for having me today. It is a great honor. I hope I have shared a little bit about how William Stewart played a part in bringing the capital, here and it has been here ever since.

Assemblywoman Kirkpatrick requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Speaker, first I would like to thank our staff because it really does put a lot of work on Broadcasting, our front desk, as well as our legislative police to make this happen. If we could give them a round of applause.

Secondly, I would like to thank the special guest we had today. This is an historic building, and his talk gave us perspective on where we are, where we came from, and what made our state so great. If I could ask you, Mr. Nylen, to stay and help us as we unveil our little piece of history, that would be great.

I want to tell you that this will probably be the last time that this Chamber will actually be used for a floor session. My understanding, and the way I heard it in the Governor's inaugural speech, is he would like to preserve this room and make it more of a museum so that all Nevada folks can be a part of it. It really is a big day for all of us to be in here for the last time. I have been fortunate; this is my sixth time in here, and there is never a dull moment when we have this.

This is the first time Guy Rocha is not with us. For your fourth graders who have Nevada history as part of their curriculum, there is an amazing link that Mr. Rocha put together on our State Library's website that has 151 Nevada myths. It can tell you amazing stories of how people jumped out the window so they didn't have to vote, and how people had to be brought here handcuffed by the police so they could take their turn at voting. We have all grown up since then and we do not do that, but we still are the wild, wild west.

So with that thought in mind, I do have prepared remarks today because I want to be sure I get this right. I tend to speak from the heart. There are a lot of things in my remarks that need to be said so that people remember what the institution is about, why our folks sent us here. Whether we agree or disagree, we still have a job to do.

Winston Churchill once said, "Democracy is the worst form of government, except for all those other forms that have been tried from time to time." Many of us know that—we try it time and time again.

The legislative institution takes a lot of criticism. Where is Mr. Ralston? He is the first to give it to us. It is true. We do take a lot of criticism. With the negativity we tend to forget that representative democracy is still the envy of many people around the world. We are very fortunate in the United States to have that. As legislators it is important that we take time to recognize the

contributions of our predecessors. Many of our predecessors, as we heard today, have paved the road for us, and we really do need to realize how we got here and why. We need to educate the public. That is our number one job is to ensure that the public knows what the Legislature is, what we do, and why we support the institution.

There is no question about it; lawmaking is messy. That is why they refer to it as sausage making. But we all represent diverse constituencies and diverse communities across the state—rural, urban, south, north, east, west—all kinds of folks across the state. We have a job to do—to bring it all together for the entire state. Each of us is very passionate about making Nevada a better place. Many of you who know me and have served with me, even these 30 days, you have seen my passion. That is the passion that people want in this building. That is the passion that helps us do better for our state for the long term.

Sometimes we disagree, and it is okay to disagree. You disagree at your household. You disagree with your family members, but we have to rise above that, and we have to do what is best for our state. We have to have those real conversations. Everybody brings a different point of view in this building, in this state, and we have to rise above it to do what is best. It is our job to engage in that conflict, to have real conversations, to bring points out from all sides of the state, and then to turn around and find a solution that is better so that the state does better, so that my children, my grandchildren, your children, your grandchildren know why we have been here. That is the point of this building and there is a lot of history that has gone into it.

As legislators, we have to continue that education with folks. We are the very first branch of government. We have a responsibility to educate and listen to the people. When we give away our responsibility as legislators, it doesn't do anybody any good. We are the People's House and we are no longer hearing the people's voice. I always remind folks to keep the Legislature independent and to make sure the people are heard.

In celebration of 150 years of statehood, we had one big party all year long in different places across the state. The Assembly Democrats said Let's put together some legislative history. Nothing is worse than watching all these school kids come through the building and still not know what we do. They need to know the laws that have been passed, and they need to know the fights that we have had to get there.

We have put together these history panels with the help of some amazing folks. We have a lot of great staff. First, I want to thank Susan Furlong. Thank you Susan, because without you this would not be possible. I would also like to thank Cindy Southerland; she has done an amazing job to help us.

Nevada has always been ahead of the rest of the world because we are the wild, wild west; because we can have those hard conversations; and because we were thinking a hundred years out as other states were catching up to us. Over the next several weeks, we will unveil ten panels which will be hung on the third and fourth floors. I encourage everybody to sponsor one. They will tell the history of our state so as people walk through the hallways, they will learn. People who were here last session know that we did the 150-year mural that hangs on the wall, and a lot of people liked it. A lot of people stopped, and it made us believe that we needed to do more.

This is my last session. This is my last time here but there are a lot of things I still want to do, and with the help of the Speaker, we can still do those things. We are in this together. We are one state. We will bicker. We will agree to disagree, but at the end of the day, we will bring real solutions because that is our job.

So today we are unveiling the Judiciary piece. It will talk about things from gaming law to the lemon car law. There are amazing things we have done over time, and our predecessors really put a lot of work into it. One day you will be somebody's predecessor. Any good thing that you do will come forward. Of course, any bad thing you do, too, will be remembered. This is a start of building a legislative building with a little bit of legislative history so that folks who come from around the world to see us, know who we are.

Thank you for being a part of this history. I look forward to seeing the next nine panels to come. We will do one at some point on the Legal Division. The Legal Division no longer has to cut and paste things out of a typewriter and put them on a bill, but we want to show that history because it is amazing how far they have come and some of the things they still do. We will do one on the Chief Clerk's office and why they exist.

Now we will unveil the Judicial piece of it. I encourage everyone to be a part of it. It is a nonpartisan piece, as always, as we are a nonpartisan body when it comes time to doing what is best for our state.

Please enjoy the history, and thank you for letting me give a piece of it back to Nevada.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Grace Warner Elementary School: Sara Seely, Zacaria Ellis, Kevin Soto, Paul Spencer, Siera Sanchez, Tayden Hammond, Storm Lawton, Natalia Robinson, Melissa Rizo-Erazo, Victoria Gonzales, Saheb Singh, Drew Harding, Samantha Duplantier, Jaylene Castillo, and Asiana Colon.

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

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly