

THE FIFTEENTH DAY

CARSON CITY (Monday), February 16, 2015

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

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins:

Our Heavenly Father, today, America celebrates Presidents' Day. As Americans, we reflect upon the achievements of great U.S. Presidents, men like George Washington and Abraham Lincoln.

These great men sought Your guidance, and You blessed them, and You blessed this great Nation. Today, I pray that You will provide guidance for these Senators and that You will bless their efforts to the benefit of all Nevadans.

I pray in Jesus' Name.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 12, 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DONALD G. GUSTAVSON, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 21, 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL ROBERSON, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

February 15, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 100.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 72, 77, 81, 89, 122, 125, 132, 133.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Segerblom:

Senate Joint Resolution No. 8—Amending the Nevada Constitution to increase the minimum wage per hour worked.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 16 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec.16.A. Each employer shall pay a wage to each employee of not less than the hourly rates set forth in this section. The rate shall be ~~five~~ fifteen dollars ~~and fifteen cents (\$5.15)~~ (\$15) per hour worked, if the employer provides health benefits as described herein, or ~~six~~ sixteen dollars ~~and fifteen cents (\$6.15)~~ (\$16) per hour if the employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer. These rates of wages shall be adjusted by the amount of increases in the federal minimum wage over ~~\$5.15~~ \$15 per hour, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, ~~2004~~ 2018, of the Consumer Price Index (All Urban Consumers, U.S. City Average) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. No CPI adjustment for any one-year period may be greater than 3%. The Governor or the State agency designated by the Governor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all employers and to any other person who has filed with the Governor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this section. An employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by employees shall not be credited as being any part of or offset against the wage rates required by this section.

B. The provisions of this section may not be waived by agreement between an individual employee and an employer. All of the provisions of this section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section. An employer shall not discharge, reduce the compensation of or otherwise discriminate against any employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section. An employee claiming violation of this section may bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

C. As used in this section, "employee" means any person who is employed by an employer as defined herein but does not include an employee who is under eighteen (18) years of age, employed by a nonprofit organization for after school or summer employment or as a trainee for a period not longer than ninety (90) days.

"Employer" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts of employment.

D. If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this section.

Senator Segerblom moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce, Labor and Energy:

Senate Bill No. 153—AN ACT relating to occupational diseases; revising the circumstances under which certain occupational diseases are conclusively or rebuttably presumed to arise out of and in the course of employment; revising provisions governing the compensability of certain diseases of the heart; and providing other matters properly relating thereto.

Senator Settelmeyer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senators Harris, Hardy, Roberson, Farley, Goicoechea, Atkinson, Gustavson and Settelmeyer (by request):

Senate Bill No. 154—AN ACT relating to common-interest communities; requiring the adoption of regulations concerning continuing education requirements for community managers; and providing other matters properly relating thereto.

Senator Harris moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senators Goicoechea, Gustavson and Settelmeyer:

Senate Bill No. 155—AN ACT relating to implements of husbandry; providing for the refund of certain taxes paid by a farmer or rancher on bulk purchases of special fuels; revising the definition of "implement of husbandry"; revising certain provisions relating to farm vehicles and implements of husbandry; revising certain provisions relating to the operation, towing or transportation of implements of husbandry on the highways of this State; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

By Senators Parks, Spearman, Harris, Manendo; Assemblymen Carrillo, Joiner and Spiegel:

Senate Bill No. 156—AN ACT relating to motor vehicles; providing that a person who drives through a roadblock established because of flooding is liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; providing that a person convicted of reckless driving for driving a vehicle into an area that is temporarily covered with water may be liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 157—AN ACT relating to governmental administration; enacting the State and Local Government Cooperation Act; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Senate Bill No. 158—AN ACT relating to local governments; requiring the governing body of a local government to make certain information available to the public before the governing body meets to approve a collective bargaining agreement or similar agreement; and providing other matters properly relating thereto.

Senator Goicoechea moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Kieckhefer:

Senate Bill No. 159—AN ACT relating to insurance; revising provisions for the arbitration of disputes concerning independent medical evaluations; and providing other matters properly relating thereto.

Senator Kieckhefer moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Roberson:

Senate Bill No. 160—AN ACT relating to actions concerning persons; enacting certain limitations of liability for owners, lessees or occupants of any premises for injuries to trespassers; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Roberson:

Senate Bill No. 161—AN ACT relating to product liability; prohibiting civil actions against certain sellers for product liability under certain circumstances; and providing other matters properly relating thereto.

Senator Roberson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Roberson:

Senate Bill No. 162—AN ACT relating to insurance; revising provisions governing the provision of medical records by a personal injury claimant or a claimant's attorney upon the request of an insurer or other party against whom a claim is asserted under a policy of insurance covering certain motor vehicles; and providing other matters properly relating thereto.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:25 a.m.

SENATE IN SESSION

At 11:26 a.m.

President Hutchison presiding.

Quorum present.

Senator Roberson moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Hammond and Assemblywoman Joiner:

Senate Bill No. 163—AN ACT relating to wildlife; creating the Advisory Council on Nevada Wildlife Conservation and Education; prescribing the membership and duties of the Council; creating the Account for Nevada Wildlife Conservation and Education; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for appointment to the Council; imposing a fee for the issuance of certain hunting, fishing and trapping licenses for the purpose of funding the Account; and providing other matters properly relating thereto.

Senator Hammond moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senators Parks, Spearman, Woodhouse, Manendo, Atkinson, Ford, Kihuen; Assemblymen Elliot Anderson, Swank, Carrillo, Araujo and Thompson:

Senate Bill No. 164—AN ACT relating to discrimination; amending various provisions of existing law to prohibit discrimination on the basis of sexual orientation and gender identity or expression; and providing other matters properly relating thereto.

Senator Parks moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Segerblom:

Senate Bill No. 165—AN ACT relating to domestic workers; enacting the Domestic Workers' Bill of Rights; providing for the mandatory payment of wages and overtime wages for certain hours worked, limitations on deductions for food and lodging, rest breaks and days off; and providing other matters properly relating thereto.

Senator Segerblom moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

By Senator Segerblom:

Senate Bill No. 166—AN ACT relating to cultural affairs; providing for the submission to the voters of the question whether the Nevada Revised Statutes should be amended to increase the duties of the Commission for Cultural Affairs to include the preservation and promotion of the arts and museums in this State, to create the Fund for the Preservation and Promotion of the Arts and Museums, to authorize the issuance of general obligation bonds to fund the preservation and promotion of the arts and museums in this State and to establish the Committee to Award Financial Assistance to approve awards of financial assistance from the Fund; enacting various provisions relating to the preservation and promotion of the arts and museums in this State; providing that the provisions become effective only upon the approval of the question by the voters; and providing other matters properly relating thereto.

Senator Segerblom moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senators Roberson, Brower, Hammond, Harris, Lipparelli and Kieckhefer:

Senate Bill No. 167—AN ACT relating to employment; revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising the relief that the Commission may order if it determines that an unlawful practice has occurred; providing that it is an unlawful employment practice for an

employer, employment agency or labor organization to discriminate against a person for inquiring about, discussing or disclosing information about wages in certain circumstances; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

Senator Roberson moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 119.

Bill read third time.

The following amendment was proposed by Senator Woodhouse:

Amendment No. 4.

SUMMARY—Revises provisions relating to educational facilities. (BDR ~~281~~ 30-732)

AN ACT relating to educational facilities; ~~making the provisions governing the payment of prevailing wages inapplicable to a school district, a charter school and the Nevada System of Higher Education;~~ temporarily authorizing the boards of trustees of school districts with prior voter approval to issue general obligation bonds in certain circumstances; temporarily revising provisions governing the transfer of certain revenue to the fund for capital projects of such a school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{ Existing law sets forth general requirements applicable to public works, including provisions requiring the payment of prevailing wages to mechanics and workers employed on public works projects. (NRS 338.020-338.090) Section 1 of this bill excludes from the prevailing wage requirement: (1) any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district, a charter school or the Nevada System of Higher Education is a party; and (2) a public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by one of those entities. Section 6 of this bill eliminates the requirement that the Nevada System of Higher Education pay prevailing wages on construction work for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work. (NRS 338.075) Sections 3-5 of this bill eliminate the requirement that the Nevada System of Higher Education pay prevailing wages on lease purchase and installment purchase agreements that involve the construction, alteration, repair or remodeling of an improvement. (NRS 353.545, 353.590) }~~

Existing law authorizes the board of trustees of a school district to issue general obligation bonds to raise money for certain specified purposes related to school facilities, including: (1) the construction, design or purchase of new buildings for schools; (2) enlarging, remodeling or repairing existing buildings or grounds for schools; and (3) acquiring sites for building schools. (NRS 387.335)

Under existing law, if a municipality proposes to issue or incur general obligation bonds, the proposal is required to be submitted to the qualified electors at an election. Existing law provides an exception from this requirement for the issuance of general obligation bonds of a school district if: (1) the issuance of the bonds is not expected to result in an increase in the existing property tax levy for the payment of the bonds of the school district; and (2) the voters have approved a question that authorizes the issuance of such bonds by the board of trustees of the school district for 10 years after the date of approval under two conditions. First, the board of trustees is required to make a finding that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. Second, the board of trustees is required to obtain approval of each such bond issuance from the debt management commission in the county in which the school district is located and, in counties whose population is 100,000 or more (currently Clark and Washoe Counties), from the oversight panel for school facilities. Existing law also provides that such a question may authorize the board of trustees to transfer any excess revenue generated by the school district's property tax for debt service to the fund for capital projects of the school district to pay for certain capital projects, commonly known as "pay as you go" funding. (NRS 350.020)

If such a question for the issuance of bonds of a school district has been approved by the voters, this bill authorizes the board of trustees of the school district to issue general obligation bonds for one additional period of 10 years, without any further approval of the voters and regardless of whether the question was approved more than 10 years before the effective date of this bill. For each issuance of bonds during that additional 10-year period, the board of trustees must make the required finding regarding the sufficiency of the existing tax to pay debt service on the bonds and obtain the approval of the debt management commission in the county and, if applicable, the oversight panel for school facilities. During the additional 10-year period, this bill also authorizes the board of trustees to use excess revenue generated from the property tax for debt service of the school district for "pay as you go" funding even though such authorization was not specifically included in the question approved by the voters.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~NRS 338.080 is hereby amended to read as follows:~~

~~338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:~~

~~1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.~~

~~2. Apprentices recorded under the provisions of chapter 610 of NRS.~~

~~3. Any contract for a public work whose cost is less than \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below \$100,000.~~

~~4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district, a charter school or the Nevada System of Higher Education is a party, notwithstanding any other provision of law.~~

~~5. A public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by one of these entities, notwithstanding any other provision of law. (Deleted by amendment.)~~

Sec. 2. Chapter 350 of NRS is hereby amended by adding thereto a new section to read as follows:

If the voters approved a question that was submitted by a board of trustees of a school district in accordance with subsection 4 of NRS 350.020 for authorization to issue general obligation bonds, regardless of whether such approval occurred more than 10 years before the effective date of this act:

1. Such approval shall be deemed to constitute approval of the qualified electors for the issuance of general obligation bonds by the board of trustees of the school district pursuant to subsection 4 of NRS 350.020 for a period of 10 years commencing on the effective date of this act if the question was approved by the voters more than 10 years before the effective date of this act, or otherwise commencing on the date of the expiration of the 10-year period approved by the voters in the question, and no other approval of the qualified electors is required for such issuance of general obligation bonds pursuant to the provisions of NRS 350.020 by the board of trustees of the school district for that period.

2. During the 10-year period in which a board of trustees is authorized to issue bonds as provided in subsection 1, all or a portion of the revenue generated by the school district's property tax for debt service which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5 of NRS 350.020,

↪ may be transferred by the board of trustees to the school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds if the findings and approvals required by subsection 4 of NRS 350.020 are obtained.

Sec. 3. ~~NRS 353.545 is hereby amended to read as follows:
353.545 The Legislature hereby finds and declares that:~~

~~1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use lease purchase and installment purchase agreements provides an important and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.~~

~~2. The statutory provisions governing the use of lease purchase and installment purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.~~

~~3. The government of this State and the political subdivisions of this State should not use lease purchase and installment purchase agreements to:~~

~~(a) Engage in or allow bid shopping; or~~

~~(b) [Avoid] Except as otherwise provided in subsection 5 of NRS 353.590, avoid or circumvent any requirement regarding the payment of prevailing wages for public works.~~

~~4. When using lease purchase and installment purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.~~

~~5. [If] Except as otherwise provided in subsection 5 of NRS 353.590, if a lease purchase or installment purchase agreement involves the construction, alteration, repair or remodeling of an improvement:~~

~~(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.~~

~~(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract. (Deleted by amendment.)~~

Sec. 4. ~~NRS 353.590 is hereby amended to read as follows:~~

~~353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, involves the construction, alteration, repair or remodeling of an improvement:~~

~~1. Except as otherwise provided in this section, the construction, alteration, repair or remodeling of the improvement may be conducted as specified in the agreement without complying with the provisions of:~~

- ~~(a) Any law requiring competitive bidding; or~~
- ~~(b) Chapter 341 of NRS.~~

~~2. [The] *Except as otherwise provided in subsection 5, the person or entity that enters into the agreement for the actual construction, alteration, repair or remodeling of the improvement shall include in the agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.*~~

~~3. [The] *Except as otherwise provided in subsection 5, the State or a state agency, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the State or a state agency had undertaken the project or had awarded the contract.*~~

~~4. The provisions of:~~

- ~~(a) Paragraph (b) of subsection 9 of NRS 341.100; and~~
- ~~(b) NRS 341.105;~~

~~do not apply to the construction, alteration, repair or remodeling of the improvement.~~

~~5. *For projects of or for the Nevada System of Higher Education where it is anticipated that payments under the agreement will be made with state appropriations, the Nevada System of Higher Education, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project are not required to comply with the provisions of NRS 338.013 to 338.090, inclusive.* (Deleted by amendment.)~~

Sec. 5. [NRS 354.740 is hereby amended to read as follows:

~~354.740 The Legislature hereby finds and declares that:~~

~~1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use lease purchase and installment purchase agreements provides an important and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.~~

~~2. The statutory provisions governing the use of lease purchase and installment purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.~~

~~3. The government of this State and the political subdivisions of this State should not use lease purchase and installment purchase agreements to:~~

~~(a) Engage in or allow bid shopping; or~~

~~(b) [Avoid] Except as otherwise provided in subsection 5 of NRS 353.590, avoid or circumvent any requirement regarding the payment of prevailing wages for public works.~~

~~4. When using lease purchase and installment purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.~~

~~5. [If] Except as otherwise provided in subsection 5 of NRS 353.590, if a lease purchase or installment purchase agreement pursuant to this section involves the construction, alteration, repair or remodeling of an improvement:~~

~~(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.~~

~~(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.] (Deleted by amendment.)~~

~~Sec. 6. [NRS 338.075 is hereby repealed.] (Deleted by amendment.)~~

Sec. 7. This act becomes effective upon passage and approval.

~~TEXT OF REPEALED SECTION~~

~~338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.]~~

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senators Woodhouse, Kieckhefer, Manendo and Ford.

SENATOR WOODHOUSE:

Thank you, Mr. President. I have watched over the last two weeks as our first major debate this Legislative Session has unfolded here in the Senate. With all that we need to accomplish, I think we all expected to have some intense debates here this Session. After all, this body should be a forum for debate on the pressing policy issues facing our State and Nevada families. In addition, while many of us expected these debates to happen, I doubt many of us expected to see such contentious policy debates coming front and center so soon.

However, I think what has surprised me so much was to see that some of my colleagues decided to inject extensive partisanship into a discussion over an issue where we

overwhelmingly agree: our desperate need to renovate our existing schools and build desperately needed new schools across this State. And, really, that is a shame. It is a shame to see a good idea get bogged down in partisanship right now, and it is a shame because it sets a terrible tone and low expectations for our ability to compromise on important legislation for the rest of this Session.

When we came here just a few weeks ago for the Governor's State of the State address, I heard a call to action to improve education and address the dire situation in our schools. I did not hear a call to excessive partisanship. I did not hear a call for taking our kids' needs and wrapping them up in an extreme agenda. Governor Sandoval asked us to come together to consider and pass an agenda that would change the landscape of education in Nevada. In his address, Governor Sandoval named many priorities that aligned with things Democrats have worked to achieve for years in our State. One of those, as we all know, is school construction. For Democrats, to hear that type of language and those proposals from a Republican Governor was extremely heartening. If you take the Governor at his word, and I do, then we should be moving this Session towards a discussion on how to achieve some of these important shared goals.

My Democratic colleagues have made it clear that we are willing to work together with everyone to finally put students first in this State. In fact, that is why, just before this Session began, we called for school construction to be our first order of business in the 2015 Session. To achieve that, our friend and colleague from District 13, a Senator who has built an impressive record of leadership on this and many other education issues over her years in the Legislature, put in a bill, Senate Bill No. 106 that would accomplish exactly that. It would give our school districts the authority to rollover bonds to pay to build new schools and renovate existing facilities. It is a bill that I was proud to sign onto as a co-sponsor. As someone who spent 40 years in education including many years as a first grade teacher, I am deeply aware of the needs of our schools. I know exactly how an overcrowded classroom or a rundown school can affect a child's ability to learn. I have lived it.

A bond rollover is historically an uncontroversial idea, and it is something our school districts have specifically asked us to do. And, in the spirit of cooperation articulated by Governor Sandoval, this should have been an easy place for us to begin. Unfortunately, with the bill before us today, Senate Bill No. 119, we have lost focus on the important mission of putting our kids first.

Somehow, we have let a bipartisan effort to get school construction moving across the State to get wrapped up in what can only be described as a partisan attack on the livelihood of many construction workers, contractors and small business owners across Nevada. Removing fair wage protections that have been in place for publicly funded construction projects for years is a fundamentally bad idea. Attempting to do it in what would otherwise be a vehicle for bipartisan cooperation is just wrong.

Let us review what we know about school construction and the state of our schools. In Clark County, where I used to teach first grade, we could fill 24 new elementary schools if they opened tomorrow. Twenty-four new elementary schools—that is a number that should shock us all to action. When middle and high schools are included, that estimate goes up to 28 or more schools that are needed right now.

Let me put that in another perspective. According to the Clark County School District, the District has added 10,000 students to its population without building a single new building. In Clark County and across Nevada, we are relying on portable trailers as classrooms. Statewide, there are more than 400 portables that are past their recommended lifespan, but they are still in use. Some are over 50 years old. In Washoe County, the school district relies on 200 portable trailers because of a lack of building space. Amongst the buildings it does have, more than one-third are over 30 years old and 10 percent are over 50 years old. Yet, the only bill we have been allowed to consider to address school construction is fundamentally flawed.

I want to particularly recognize my colleagues from District 4 and District 7 who asked tough, important questions during the hearing on this bill and tried to put the focus of the bill back where it belongs: on building schools. Their efforts and the overwhelming testimony of so many construction workers and contractors made the flaws in this bill clear, crystal clear. Luckily, this bill is fixable and we can fix it here, today.

I urge my colleagues to join me in taking a step back—a deep breath, if you will—to focus on what is important: building schools. My amendment will do just that. It will give the Senate an opportunity to push the reset button. It is a chance for us to start over and set aside the excessive partisanship that has enveloped this issue.

Mr. President, my amendment closely resembles the proposed bipartisan school construction bill, Senate Bill No. 106, inasmuch as it enables boards of trustees of school districts, with prior voter approval, to issue general obligation bonds for an extended period of ten years for the purpose of school construction.

Additionally, it enables the board of trustees, over the same ten-year period, to use excess revenue generated from the property tax for debt service of the school district for capital projects. Aside from enabling funding of more school construction, my amendment removes the provisions that will force a pay cut for middle class construction workers, contractors and small business owners—provisions that have caused so much consternation over the past ten days.

I hope you, my colleagues, will join with me, today, in voting for this amendment. A vote in favor is a vote that says we will put schools first in Nevada without singling out some Nevada families to put last. It is a vote that says we can get back to working in the best interests of all Nevada families. It is a vote that ensures our schools are built safely by highly skilled, highly trained, local Nevada workers who earn a fair wage for their work. In addition, it is a vote that says that our Senate is a place for cooperation in the best interests of our children, their families and our State. Thank you.

SENATOR KIECKHEFER:

I rise in opposition to this amendment. While I respect my colleague's position, I disagree with the outcome. This amendment will reduce the number of schools we can build. It will reduce the amount of repairs that can be done and will leave more students without adequate technology. This is the wrong amendment for this bill.

I would like to address some statements that were made by my colleague. The first is that it is too soon to have this sort of substantive debate this Session. We only have 120 days to complete our business. I do not think it is ever too soon. The first day of Session is not too early to begin these debates. We heard this bill in Committee on the third day of the Legislative Session. It was a robust debate and all sides were clearly heard. I find the insinuation that we are moving too quickly to do the people's work to be a flawed argument.

I understand there are partisan differences on many issues, but to call this excessive partisanship undermines the true expense we are dealing with here; that relate to school construction. Our prevailing wage laws in Nevada drive up the cost of construction through a government structure that is not necessary to reflect what the actual wages are that are paid in the open market. If we default to the open market to set the wages for public works on school construction projects, we will save money and be able to build more schools with the same amount of money raised with a bond rollover. This is undeniable. Low estimates set this amount at 5 percent, high estimates say it could be 30 percent. What if the percentage averages 10 percent and we required \$1 billion of construction in the State? This provides \$100 million worth of public resources that could be used to build those 28 new schools needed in Clark County. This is not an insignificant amount.

The idea that the bond rollover was going to be passed as a clean bill is also flawed. The Chair of the Senate Committee on Government Affairs does not support that idea, and he indicated this in the Committee meeting. The Assembly will also consider this bill, and it is unlikely that a bond rollover would pass there cleanly as well. This is an issue not only about raising the money necessary to effectively repair and construct new schools in all of our districts, but also to ensure we maximize the limited public resources allocated for that purpose. Stripping those protections out of schools makes this a tenuous process going forward, at best, and would doom this bill to failure.

The Democrats in this Chamber made school construction their number one priority going into this Session. I am proud to say, after we have passed Senate Bill No. 119 without this amendment, we will have accomplished that goal, and we will have done it by maximizing the resources available to us.

SENATOR MANENDO:

Thank you, Mr. President. I rise in support of Amendment 4 to Senate Bill No. 119 and thank my colleague from Senate District 5 for putting forth this amendment. I am concerned about a few aspects of Senate Bill No. 119, not least of which is the fact that this bill seems to go back on our understanding of what our priorities were supposed to be for the 2015 Legislative Session.

The need for new schools in this State is unprecedented. Those of us, who represent southern Nevada as well as the Clark County School District, are well aware of the needs we have in the State. As my colleague mentioned, we need 24 schools yesterday, not to mention today, for the students we have right now. That is where one of my concerns with this bill comes from. We have been talking about school construction for well over a year in southern Nevada. We started a Southern Nevada Forum last Legislative Session and continued to work together in a bipartisan way during the interim period. We have been discussing school construction the entire time. It has been a major point of discussion at many of those meetings. Many of my colleagues here, today, were a part of those southern Nevada forums. We agreed that passing a bond rollover bill to help our local schools districts fund school construction was so important that it needed to be a bipartisan southern Nevada priority.

Our colleague from District 13 introduced Senate Bill No. 106, a bill that would do just that. If we pass this amendment here, today, then Senate Bill No. 119 will become a bill that turns our focus back to those priorities. We never discussed tying school construction to a massive pay cut for construction workers. We never discussed gutting the fair protections that have long been a part of Nevada law. We never discussed passing a bill that could risk driving skilled laborers out of this State and putting local contractors out of business.

The controversial provisions in Senate Bill No. 119 that demolish our long-standing fair wage laws certainly were not part of the Democratic agenda. They were not a part of the Governor's agenda as he laid it out in his State of the State address last month. And, they were not part of the Southern Nevada Forum, of which I have details, that included the rollover of the bonds but never stated we would diminish prevailing wage law. That was not part of the southern Nevada agenda that we worked on as a bipartisan group with community leaders and business leaders for over two years. Until this bill was introduced during the first week of the Session, nobody knew this was part of the Republican agenda.

We need schools. We also need to maintain a strong construction industry where high quality labor is rewarded with fair pay and where Nevada business owners have a chance to succeed. We cannot build the New Nevada that we have heard so much about if we do not have a stable, skilled and well-trained construction industry to do the work.

Finally, I want to briefly speak about an aspect of this bill that most of us had not considered before we heard committee testimony on this bill. One of the most important pieces of that testimony came from a single mother, Katarina Brown, who testified from Las Vegas. She told the Committee how before she became an electrician, she was stuck in jobs making \$10 an hour. She and her two children were barely able to get by.

Because of her journeyman electrician training program and her subsequent work on construction projects, she now makes enough money to comfortably support her children. She is a success story, the kind that we should hold up as an example of a Nevadan who has taken personal responsibility to build a better life for herself and her family.

Our fair wage laws not only ensure middle-class families can succeed, they also serve as a means of ensuring equal pay for equal work. Women who work prevailing wage construction jobs are guaranteed the same as men for doing the same exact work. That is fair. Why would we want to dismantle that? Why would we want to undo the laws that helped Ms. Brown move into the middle class and presumably set up her children for a brighter future?

I sincerely hope that we will pass this amendment today. Doing so will make Senate Bill No. 119 a better bill worthy of all our votes in a bipartisan manner. It will put our priorities back in order and put the focus back on the things we all agreed were most important. It will keep in place the laws that have helped middle-class folks across Nevada earn fair pay for an honest day's work.

I recall, last week, in the Senate Committee on Transportation, we discussed paving and road construction and how investing in the future is the right way to go. Sometimes, spending a little

more money to ensure longevity is the right way to go. The Nevada Department of Transportation talked about how long-term durability ultimately reduces the cost. Building adequate schools and making sure the longevity of those schools is intact for 30 or 40 years is the right way to go. If it is good enough for our roads, it is good enough for our kids. If it is good enough for public safety, it is good enough for our children. I urge a "yes" vote on this amendment. Thank you.

SENATOR FORD:

I rise in support of my colleague's amendment and thank her for offering it. I echo her concerns about this bill and the manner in which it came about. To some, the political outcome of November 4th, dictates that the minority party remain quiet and take what is delivered by the majority in this deliberative body. Make no mistake about it, we will not. We will continue to stand and fight for working-class Nevadans every single day even if that means we must put amendments on bills we think are jeopardizing their abilities. Like the Senator from District 5, I am also concerned to see what started as a noncontroversial idea, with strong bipartisan support, become a lightning rod of excessive partisanship.

The idea we need to pass a school bond rollover bill to get shovels in the dirt and get schools built is not new. Many of us remember my Democratic colleague attempted to pass a school bond construction bill during the Special Session. We were told, at that time, it would be a top priority in the 2015 Legislative Session. Before this Session began, there were numerous conversations between Senators on both sides of the aisle about quickly passing the school construction bill. We discussed it at the Southern Nevada Forum, and we decided that the bill sponsored by my colleague from District 13 would be that which is the priority for the southern Nevada Forum. To the best of my knowledge, not once did the prospect of gutting our long-standing prevailing wage laws come up in any of these discussions. Every single southern Nevada Legislator in here, with the exception of those recently elected or appointed, signed on to the Southern Nevada Forum.

It was a complete surprise to see these provisions added to a noncontroversial school bond rollover bill. By including provisions that unnecessarily target the financial and economic well-being of an entire subset of Nevadans who work in the construction industry, I am afraid some—and I say some because some of my colleagues on the other side would love to vote for this but view it as a caucus priority—some are not giving Nevadans much reason to have faith this Session will be about anything more than partisanship. Right out of the gate, it appears we are more focused on settling partisan scores by dismantling wage protections that have existed for years, in spite of the state we are in when it comes to getting schools built.

During the hearing about this bill in the Committee on Government Affairs, we heard a lot of testimony. We should thank the Chair and members of the Committee for nearly four hours of testimony on this bill. We are all more knowledgeable because of this. We heard overwhelming testimony against gutting the prevailing wage protections, as they exist in our laws. Hundreds of people, both in Carson City and Las Vegas, testified to explain why the fair wage laws are an important part of the fabric that makes Nevada. That testimony should give us pause before we rush to pass this bill. It should make a strong case to pass my colleague's amendment. We heard testimony against the bill not just from workers but from contractors and small business owners. They were all against gutting the prevailing wage provisions found in this bill. They explained quite clearly how this bill would hurt the State. It would drive skilled laborers out of Nevada to find work elsewhere. It would allow out-of-state contractors to underbid Nevada contractors and it would lead to our tax dollars flowing out of the State. It would put Nevadans out of work and put our contractors out of business. It would lead to lower quality workmanship in our new schools, lower quality working conditions. Our schools will have lower quality. Yes, it is cheaper to get rid of the prevailing wage, but it is also cheaper to build schools out of cardboard, and I hope you are not suggesting we do that.

The testimony lead us to the inevitable conclusion that Nevadans have come out strong against gutting fair wage protections on our school construction projects, and we should as well. The sponsors of this bill would have us believe the State and taxpayers will save money, but contrary to what my colleague on the other side will tell you, there was testimony on the other side of the issue. Academic centers in Michigan and Colorado found there were no savings on

construction projects after fair wage laws were gutted. A review of the experience in Michigan, after the laws were changed, conducted by a University of Utah economics professor, found that after considering the lower productivity of low wage, unskilled construction workers, labor costs for school and university construction projects in Michigan were at a risk of increasing, not decreasing. Removing fair wage protections increases costs. It does not decrease costs.

Why would we pass a bill that risks increasing the costs of building schools in this State when we are already desperately far behind in the number of schools we need. During the first week of Session, the Director of the Governor's Office of Economic Development told the Committees on Finance and Revenue and Economic Development we need to attract and maintain higher paying jobs in Nevada. The Governor's budget assumes, over the biennium, more Nevadans will need public assistance in order to get by.

If we need more and better paying jobs in this State, why are we considering a bill that would cut the wages for construction workers by as much as half? If we do not have a prevailing wage, the next thing will be a minimum wage. Senate Bill No. 119, as written, is at odds with what our Governor is telling us the State needs. I agree with the Governor. We need to attract 21st century companies, like TESLA to Nevada, and we need an infrastructure with skilled labor to do this. We will not have this if this body passes a law that chases skilled labor out of the State. If we make Nevadans go to Washington, Oregon, California or other states to find better paying jobs, we will lose an important base of people we need to transform our economy and our infrastructure for the coming century. We need only look at Las Vegas to see why maintaining a strong base of highly skilled construction workers is so important to our economy. Skilled laborers were the ones who were well-paid—they built the Strip. The gaming industry relies on these workers because they want work done safely and done right the first time. Why should our schools deserve less? We risk spending tax payer money to build schools, don't we deserve to know they were built with the same skill, experience and attention to details as the hotels and casinos that help drive our State's economy? This is an issue of safety as well as cost. Fair wage laws have long helped ensure public projects are built safely. Our workforce will be better trained and suffer fewer on-the-job injuries if these laws are in place. The end result will be safer, better built schools for our children to learn in and to grow in.

I have heard no testimony to persuade me that Nevada would be well-served by gutting our fair wage laws with school construction projects. This bill presents a false choice between building schools and giving middle class families a pay cut. It does not have to be this way. I ask you to pass this amendment and to protect the livelihood of Nevada's contractors and construction workers, and to help get desperately needed schools built in districts across the State. I urge you to support the amendment. Thank you.

Motion failed.

Remarks by Senators Harris, Spearman, Brower, Atkinson, Kihuen, Hammond, Settlemeyer and Denis.

SENATOR HARRIS:

Senate Bill No. 119 exempts from State prevailing wage law projects involving construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district, a charter school or the Nevada System of Higher Education (NSHE) is a party. This bill also eliminates a provision that currently requires NSHE to pay prevailing wages on construction work for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work.

If the voters approved a proposal submitted by the board of trustees of a school district to issue general obligation bonds, regardless of whether such approval occurred more than ten years before the effective date of this bill, the board of trustees may: (1) Issue general obligation bonds for one additional period of ten years without any further approval of the voters. The additional ten-year period commences on the effective date of this bill for any such bond proposal approved by the voters more than ten years before the effective date of this bill, and on the date of the expiration of the original ten-year period approved by the voters for any other voter-approved bond proposals; and (2) During the additional ten-year period in which a board of trustees is authorized to issue bonds, use excess revenue generated from the property tax for

debt service of the school district for funding of certain capital projects even though such authorization was not specifically included in the original bond proposal approved by the voters.

SENATOR SPEARMAN:

I would like to read, for the record, and I know my colleague's amendment failed, because we always talk about how prevailing wage increases the cost of construction. I am sure, we, as an intelligent body, would really like to access and use empirical data, to make this decision. So I read to you from a study that was recently released this year regarding West Virginia:

"Recently, lawmakers indicated they intended to weaken or fully repeal West Virginia's prevailing wage law this Legislative Session. This issue brief examines the impact of prevailing wage laws on public construction costs and addresses claims made about the West Virginia law by its opponents. It considers the impact of prevailing wages on other aspects of the construction industry beyond costs such as training, safety, health, and pension benefits. Here are some of the key findings. Multiple academic studies have shown that prevailing wage laws do not raise public construction costs, instead impact of higher wages on costs is compensated by the positive effect of productivity."

There are several of these findings. Please let me read one more: "Claims by opponents about the cost of West Virginia's prevailing wage law are implausible and based on hypothetical assumptions, ignoring actual experience and evidence and data." Thank you, Mr. President.

SENATOR BROWER:

Thank you very much, Mr. President. I rise in support of Senate Bill No. 119. With the defeat of the proposed amendment, I think this is an outstanding bill. I will tell the Body, that if the minority is going to turn every policy difference that we may have this Session, into an accusation of partisanship, we are in for a long Session, indeed. We are, I guess, used to that reality, from the campaign season, but I, for one, would like to see that reality come to an end when the Session starts.

I would respectfully submit to my colleagues that differences on policy need not be described as partisan differences, although, sometimes, on certain bills or certain amendments, the Body will line up along partisan lines. However, we are talking about real policy here. This bill presents an important policy. I would submit to the Body that the reform, the modest reform that we seek in this bill, simply is aimed at undoing, in a small way, what I would describe as state sanctioned, anti-trust violations. If you do not believe me, let me quote from Adam Smith, who back in 1776, was wise enough on this issue to write the following, and I am paraphrasing:

"People of the same trades seldom meet together. But when they do, the conversation often ends in a conspiracy against the public or income contrivance to raise prices. But though the law cannot hinder people of the same trading from sometimes assembling together, it ought to do nothing to facilitate such assemblies, much less to render them necessary, in law."

The scheme this bill seeks to reform, is one such conspiracy. We are simply, in a modest way, trying to undo that anti-market provision in our law. And when I say modest, I mean modest. Some of us might be in favor of gutting, as has been said, the entire prevailing wage requirement from our statutes. But, to the point that many in the minority have made to me and others over and over in the last three weeks about compromise, this is a compromise bill. We clearly are not, in the majority, trying to gut the entire prevailing wage scheme in our statutes, though some may think that may be the right thing to do. But rather, we are willing to compromise by modestly reforming that scheme in a way that will enable us to build more schools, much needed schools, long overdue schools, in our State. We have compromised. We are willing to compromise. And I would tell the Minority that if you are that interested, as interested as many of you have said you are, in finding a way to build much needed schools in our State—and I do not think anyone in this body disagrees with the fact that we need to build those schools—well, I have a bill for you. It is Senate Bill No. 119. If you want those schools built in a cost-effective way for the taxpayers of this State, vote for Senate Bill No. 119, and you can make that happen for your constituents. Thank you very much, Mr. President.

SENATOR ATKINSON:

I actually sat here and was not going to say anything, but there was a microphone sitting next to me so it left me no choice. I have to say to my colleague from Senate District 15, I guess it is suggested that the Minority Party sit here and do nothing or say nothing because they have all the answers. Let me submit to you that my constituents did not send me here to do just that.

If you are going to talk about a divide and not being partisan and kind of doing it your way—I will submit to you that I have been in this Legislative Building for 14 years now, 7 Sessions and 10 Special Sessions. The tone for the partisanship was set from the moment I walked in this room; something I have never seen. All of the Majority Party is on the right side of this Chamber and the Minority Party is all on the left, so the tone was already set. Therefore, we are doing the best we can to advocate for those are not here to advocate for themselves. That is our duty to do whether you like it or not. If you are not going to listen to us, and that is fine, maybe you do not want to do that, but I implore you to go through your emails and read the thousands of emails that come from constituents, not us, we did not ask them. They sent us emails because they are upset at this piece of legislation that was a bipartisan piece of legislation until this attack came upon them.

Last Session, this piece of legislation passed 17 to 4. This Session, we do not know yet because we have not voted. This is one of the worst policy crushing pieces of legislation that will devastate wages for the working families. I am still, today, receiving emails asking us to not vote in favor of Senate Bill No. 119.

I am still concerned that we are taking a bipartisanship bill that was voted in this house 17 to 4, and that we all said we would come to Session and approve. Now, instead of doing that we have made the bill as partisan as you can make it.

We all have discussed prevailing wages in previous Sessions. As my colleague from District 16 said, this Body never had an opportunity to hear prevailing wage in the past because the majority were the Democrats and we refuse to hear it. Well guess what Republican Senators, you are in the Majority this time, and if you want a hearing on prevailing wage, let us do it. There is nothing wrong with dividing this bill and discussing prevailing wage on its own merit, but you yourselves know that will not pass alone either. Therefore, you decided to put it in a piece of legislation to try to tie the Minority Party's hands. However, we are still in strong opposition to a bill that we know had strong support before we came back to Session.

It is a proven fact, that structures built using prevailing wages are constructed much better so why are we sacrificing the safety of our kids by bidding out our schools to the lowest bidder. That is a good question; you should really take a look at it. School constructions that are built based on prevailing wage are much better constructed schools. I sat through the four-hour hearing on Government Affairs, I am not sure who all watched, but the rest of us sat through a four-hour hearing, listened to statistics and listened to the testimony, as our Leader said, from construction folks, not just people who have a huge interest, but also construction folks talked about how this would devastate their families.

This indeed would be a pay cut for the middle class workers. Some of them are calling it a tax, which I am sure you do not like to hear. However, again, if you are not going to listen to the left side of the room, then, you should turn on your emails and listen to the folks that this bill is affecting. Thank you Mr. President.

SENATOR KIHUEN:

Thank you, Mr. President. I rise in support of education, of building new schools and rise in support of the working class families of Nevada. However, I rise in opposition to Senate Bill No. 119. Out of all of the districts in the State of Nevada, I think the most impacted will be Senate District 10, because of my constituents that work tirelessly in the construction industry. Gutting prevailing wage leads to less workforce training, a less experienced workforce, higher injury rates, lower wages and less benefits. One point that has not been articulated here is the fact that if our constituents, as employees, are making less money, it is less money that is going back into our economy. When our workers are paid prevailing wage, they are making a livable wage. They are making enough money to pay their rent, to put food on the table and to be able to go out there and spend money in our economy. Therefore our businesses get business. Therefore, our economy gets stimulated.

By getting rid of prevailing wage, we are sending a strong message to the working class people of Nevada—that we do not care about them. We do not care if they go broke. We do not care if they cannot pay their rent. We do not care if they cannot put food on the table. That is not fair. And, as my colleagues have eloquently articulated many points, make no mistake, this bill impacts the working class people of Senate District 10 and the State of Nevada.

Now, despite job growth, the number of people needing government assistance is projected to go up in the next two years. If we gut fair wage laws, we will be adding construction workers to the list of jobs that do not pay enough to support a family. We should not force construction workers, constituents of Senate District 10 and their families, to go on government assistance just to get by. This will result in larger costs for our State in the long term.

We believe in a Nevada with a strong and secure middle class, where hard work is rewarded and where everyone plays by the same rules. That starts by providing our workers with a livable wage so they can support their families. Again, Mr. President, I urge this Body, before we make this vote, to take into consideration those people who feel they have no voice. People who are, currently, at this precise moment, working, trying to get by. Those are the people that need representation. Those are the people we are trying to protect. I urge this Body to please oppose Senate Bill No. 119. Thank you, Mr. President.

SENATOR HAMMOND:

I too rise in support of Senate Bill No. 119. I rise in support of working families. There has been much said so far today. I cannot qualify myself to talk on all of those subject matters, but I do feel like I can speak to some of the issues from experience. I sit on the board of a charter school and over the last three or four years of serving on that board, we have been busy trying to facilitate the needs of children in many of your districts, including my own, while other school related projects were put on hold throughout the county.

In so doing, we have built a few schools, but we have not used prevailing wage. Other companies have built those schools. Then, we are loaning them out until we can pay them off. However, in building those schools, we have hired local contractors. Many of the sub-contractors we have are local subs. We are providing a wage to those who would not otherwise be receiving a wage.

In addition, I would submit to you that if your concern is safety—I do not believe Senate Bill No. 119 removes any provisions of standards, quality or inspections. Those are all in place. They have to be met. The workers have to work to those standards. We want to make sure that the buildings that we build are safe, comfortable, esthetically pleasing to the eye. If you come out and see some of these buildings we have, I believe we have one in either Senate District 1 or 10, I cannot recall the exact boundaries, but if you go and visit that campus at Losee or Sky Pointe, for example, you will see two beautiful schools. Many parents have their children attend these schools, but they are not concerned about the school crashing down on top of their heads.

I myself send three of my children to one of these schools, and there are thousands of children on the waiting list there and at other schools combined. Therefore, if those are the main concerns, I do not see why you have any concerns at all there. I think those where taken care of. I rise in support of Senate Bill No. 119 because we need to have more schools built. One of the things that this bill will do is allow us to build more schools because we are saving money. On the K-8th grade schools that we have built we saved an average of 30 percent on the construction cost. That to me is significant; that to me means we can build more schools. We can provide more jobs. For this reason, I stand in support of Senate Bill No. 119 today.

SENATOR SETTELMAYER:

Thank you, Mr. President. I rise in support of Senate Bill No. 119. Although some of the discussion that has been had today may not be bipartisan, I appreciate those comments from Senate District 4. In that respect, yes, we have had some emails regarding deleting a provision from Senate Bill No. 119. Equally, from my district, I have had the opposite of that, saying to get rid of the other portion and pass the other provision. Again, each of our districts is different. I think what we really have to do now is look at the actual bill in front of us and look at the facts.

There has been discussion about the quality of work. Ohio suspended prevailing wage laws for school construction. The Ohio Legislative Service Commission, in 2002, did a study. They found that 91 percent of the school district officials surveyed, said there was no change in the

quality of work. Three percent said the quality had fallen. Six percent said the quality actually improved. So, again, as a whole, 91 percent of them said there was no change in the quality of work.

Occupational Safety and Health Administration rates on accidents—no difference between the prevailing wage states and ones without. If you want to discuss the cost, some people say there are studies out there that say there is no cost. To me, the best study, to answer my colleagues from Senate Districts 8 and 1, was the Vedder Study done in 1999. Michigan got rid of its prevailing wage law for a period of time, it was invalidated by a court. Through that period though, it was appealed. Their Sixth Circuit reversed that decision. For 30 months, however, they operated without a prevailing wage law. During that time frame, there was a 16 percent savings on all the bids—16 percent. Depending on what number you are looking at, you are talking about the ability of building six schools instead of five. To me that cannot be overlooked. We must be good stewards of the taxpayers' dollar. Thank you.

SENATOR DENIS:

Thank you, Mr. President. I have been listening to the debate. I have been listening to the discussion over the last few weeks. The one question that keeps coming up, and we hear studies on both sides of this issue, but I have not seen any guarantee that says this is going to save costs. I have heard some people say it will. Other people say it will not. I have not heard any guarantees. There is not anyone that is promising me that this is going to build more schools. I do know, with how we currently build schools, we have been able to build schools, not only on time, but under budget. We have been able to save money and actually build more schools under the current system.

I have been at this, working to try make education better for our kids, for many years. I want the best for my kids. We need this desperately. We need to build more schools. There was talk about compromise earlier. The only thing I see here, because there is no guarantee, is a compromise in the quality of schools. I see us compromising the lives of working families. I see us compromising the future of our children.

You know, you get what you pay for. We are trying to do things to make things better for our kids, and the way we are going about this, with this particular bill, we are putting our kids second. We need to put our kids first. I will be in opposition to Senate Bill No. 119.

Roll call on Senate Bill No. 119:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

Senate Bill No. 119 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Segerblom, the privilege of the floor of the Senate Chamber for this day was extended to Jordan Eglet, Michael Rashmir and Benjamin Spence.

Senator Roberson moved that the Senate adjourn until Tuesday, February 17, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:24 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate