

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 21, 2017

Senate called to order at 11:32 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Leslie Cyr.

Heavenly Father, we thank You for Your many blessings and for Your care. We recognize You as the giver of all things that are good and right. Father, we ask for Your wisdom and guidance to rest on this Senate and for Your favor in the pursuit of justice and liberty. I thank You for these here present, and I ask for Your blessings in their personal lives as well as for the task at hand today.

I wish to recognize their supporting staff. We recognize how hard they work behind the scenes and ask for them an extra measure of blessing. We ask for strength when they grow weary, patience when they feel frustrated and perseverance when the days are long.

In the name of Jesus, we pray.

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.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 20, 2017

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Joint Resolution No. 2, Amendment No. 50, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

SECOND READING AND AMENDMENT

Senate Bill No. 173.

Bill read second time and ordered to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

Assembly Bill No. 9.

Bill read second time and ordered to third reading.

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 115.

Bill read third time.

Remarks by Senators Denis, Settlemeyer, Segerblom, Roberson.

SENATOR DENIS:

Senate Bill No. 115 defines a public library as an educational institution and prohibits a person from possessing certain weapons, including firearms, while on the property unless the person has written permission from the governing board of the library to carry or possess a weapon while on the property. A person who violates these provisions is guilty of a misdemeanor. This is a bill that came out of changes that were made two years ago as far as removing public libraries from being educational institutions. I feel they need continue to be considered as such and brought this bill forward. I urge you to support it.

SENATOR SETTELMAYER:

I rise in opposition to S.B. No. 115. I was hopeful my colleague from Senate District 2 would address the issue of parking lots in this bill, especially as it relates to individuals leaving their firearms in their vehicles because they do not wish to violate the law and have a gun in the library if they have a concealed carry weapons permit. The lack of having this dealt with in this bill I find problematic. This goes not only to the concept of libraries, but also to other issues relating to schools. In Douglas County, the properties of the school district extend to the centerline of the road on Hwy. 88 and Hwy. 395. This means people with a gun in their vehicle who are driving down Hwy. 88, or Hwy. 395, are currently violating the law.

This also applies to our libraries; they own to the center line of that area. A person is in violation of the law simply by driving into the area with a gun in their vehicle to drop off a child to go to the library. I find that to be problematic. I urge everyone to vote no on S.B. No. 115.

SENATOR SEGERBLOM:

This bill treats libraries like schools. It allows the Board of Directors of a library to create policies to say the middle of the street is the boundary for bringing a gun into the area or to park with a gun. Libraries are like schools and should not be treated differently. This was left out of the bill last Session by accident. We are making a correction to put it back in. I urge your support of this bill.

SENATOR ROBERSON:

I was the sponsor of the bill last Session, and it was no accident this was left out—that is not a true statement. I stand in opposition to this bill. Senate Bill No. 115 would expand the list of places firearms are prohibited from being carried and from being kept in vehicles to include public libraries. This is a change to longstanding law in this State. While it is currently illegal to carry concealed at public libraries in Nevada, it is legal to openly carry and to keep a firearm in a locked vehicle. Under this bill, law-abiding citizens could unknowingly become criminals simply by crossing the line that constitutes library property, including driving to onsite library book drops. Criminals do not observe the law. We are creating yet another gun-free zone—an open invitation to those who would do us harm—which will make law-abiding citizens less safe.

Many may not know this, but the 2nd Amendment in the Nevada Constitution is broader than the 2nd Amendment in the United States Constitution. A professor who teaches the Constitution at the University of Nevada, Las Vegas, and who is a Democrat, Michael Bowers, has written on this subject. I quote: “The 2nd Amendment, guaranteeing the right to keep and bear arms, had not been applied to the states at the time subsection 1 of this provision was added to our State Constitution in 1982. It appears to be broader than the 2nd Amendment in its delineation of the purposes underlying the right, since it includes not only security, but also recreational use and other lawful purposes.” He speculates a bill like this, that restricts our Constitutional rights, would be an area of the law ripe for litigation and could see action in the courts here in Nevada.

This is longstanding law and a marked departure from current law. It will not make our citizens safer. How is it helping our law-abiding citizens when a mother with three children—and this was a case that happened a year or so ago—cannot openly carry a handgun while walking into a library to make sure she and her children are safe? Criminals do not follow gun laws. They are not going to follow this bill if we pass it today. We are limiting the State and Federal Constitutional rights of law-abiding citizens in this State. We should not do this. It is a marked departure from decades of law in this State. It is the wrong thing to do from a policy perspective, and it will not make our citizens safer; it will make them less safe. For these reasons, I oppose this bill.

SENATOR DENIS:

I would like to respond to the issue of parking lots. I agree this is an issue. I did look at it and spoke to the legal department about it. I brought this bill primarily to re-define libraries as educational institutions. This is a much bigger issue that has to do with all weapons, not just in libraries, but in schools and other places. I did not want that to have to be addressed in this bill. My colleague from District 17 has a bill that does that.

The incident you referenced related to the mother and her children at the library was a trespassing issue because she was blocking the entrance where people went in and out. It had nothing to do with being a gun-related issue. Libraries should be defined as educational institutions, and that is why I brought this bill.

Roll call on Senate Bill No. 115:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Senate Bill No. 115 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 Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Clara Andriola and Brad Sidener.

On request of Senator Ratti, the privilege of the floor of the Senate Chamber for this day was extended to Eunice Cavanaugh, James Cavanaugh, Janice Ratti and Robert Ratti.

On request of Senator Settelmeyer, the privilege of the floor of the Senate Chamber for this day was extended to Gary Dove, Dave Maxwell and Sherri McGee.

Senator Ford moved that the Senate adjourn until Wednesday, March 22, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:52 a.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate