

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 28, 2005

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman McClain, who was excused.

Prayer by the Chaplain, Reverend Stan Pesis.

Almighty God, after the days and weeks of fog and darkness we have had, we thank You for the light You have given us today. And we ask You to bring Your presence to this Body and enlighten us that our deliberations and decisions may be made with clarity and concern for those for whom we govern.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera 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.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Smith, Buckley, Arberry, Parks, Anderson, Allen, Angle, Atkinson, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguera, Ohrenschall, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Townsend, Titus, and Raggio:

Assembly Concurrent Resolution No. 4—Granting administrative leave to legislative employees in recognition of their service to the 73rd Session of the Nevada Legislature.

WHEREAS, The staff of the Nevada Legislature and the Administrative, Audit, Fiscal Analysis, Legal and Research Divisions of the Legislative Counsel Bureau provide services to the Legislature which are vital to an efficient and productive session of the Nevada Legislature; and

WHEREAS, The additional employees hired specifically for the legislative session also provide essential services with dedication, competence and enthusiasm throughout the long days of the session; and

WHEREAS, Extraordinary demands are routinely placed on legislative employees as a result of the time constraints imposed by the 120-day limitation on the length of the legislative session, and the entire legislative staff have demonstrated their extraordinary talents, patience, flexibility and tireless work ethic to meet these required deadlines; and

WHEREAS, The members of the 73rd Session of the Nevada Legislature do hereby recognize and express their appreciation of the outstanding effort made by the permanent employees of the Legislature and Legislative Counsel Bureau and by all other employees hired temporarily for the legislative session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That

7 days of administrative leave are hereby granted to each:

1. Permanent employee of the Legislature and Legislative Counsel Bureau who is employed on the last day of session; and

2. Employee of the Legislature and Legislative Counsel Bureau hired temporarily for the legislative session who:

(a) Is employed by the Legislature or Legislative Counsel Bureau on the last day of this session; and

(b) If requested to do so by the employee's supervisor, remains in that employment after the last day of this session until all tasks assigned to the employee during the session are completed.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblywoman Smith.

Resolution adopted unanimously.

Resolution ordered transmitted to the Senate.

By Assemblymen Leslie, McClain, Anderson, Parks, Atkinson, Buckley, Denis, Giunchigliani, Horne, Koivisto, Manendo, Parnell, Pierce, and Smith:

Assembly Concurrent Resolution No. 5—Urging school districts in Nevada to participate in the federally funded School Breakfast Program.

Assemblywoman Leslie moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 147—AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to pay the registration fees and other related costs at the University and Community College System of Nevada for certain persons who were formerly in foster care in this State; creating a Trust Fund for the Education of Persons Formerly in Foster Care to be administered by the Board of Regents; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 148—AN ACT relating to public works; expanding the exemption from the requirements concerning the payment of the prevailing wage for certain contracts for public works; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 149—AN ACT relating to counties; requiring the boards of county commissioners of larger counties to redistrict the county commissioner election districts of the county after each national decennial census; allowing such boards to redistrict the county commissioner election districts one additional time during each period between national decennial censuses under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Manendo, McCleary, Atkinson, Denis, Giunchigliani, Horne, Leslie, and Munford:

Assembly Bill No. 150—AN ACT relating to educational personnel; revising provisions regarding the licensure or endorsement of educational personnel; revising certain provisions regarding the reciprocal licensure of certain educational personnel from other states; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 61:

YEAS—41.

NAYS—None.

EXCUSED—McClain.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 87

Bill read third time.

Remarks by Assemblymen Giunchigliani, Hettrick, Hardy, Smith, Gansert, Carpenter, Ohrenschall, and Horne.

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

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in support of Assembly Bill 87. If you look at Section 1 of the legislation, it spells out the intent of this bill, but I think the first line captures exactly what it is talking about: "No full-time worker should live in poverty in the state of Nevada." That is what this legislation is attempting to rectify. This bill is modified exactly word for word, based on the Initiative Petition that was gathered in signatures and put on the ballot last time around. AB 87 received 68 percent of the vote. What that translated to was 545,490 votes in support. George Bush, when he was re-elected president, only received 418,690 votes.

The people of Nevada spoke loudly and clearly that it is time to end poverty in this state. The \$5.15-an-hour minimum-wage workers in Nevada make less money than they would if they were on welfare. The CPI in the legislation has a protection for businesses. The 3 percent cap actually says that they will never have to absorb an inflation policy. In other words, like in the 1970s when inflation went up so high and so strongly, the businesses here in Nevada will be protected by this language. It is not uncommon for our statutes to have CPI references. Twenty-eight statutes, just from a quick scanning of the Nevada Legislature, currently refer to a CPI. The CPI adjuster is intended to ensure that wages do not stay stagnant for the minimum wagers as they have done in the past. They have been sitting for eight years waiting on the federal government to take some action. The federal government still has not taken action. It is time that Nevadans took it into their own hands and that is what I am asking you to do today.

We do not need to put this into the Constitution if, more appropriately, this will allow it to be in the statute. That way, down the road, if there are problems with wanting to raise it or how some language comes about, this legislative Body has the opportunity to take a look at it rather than have it go to another vote of the people. Pay no mind if this bill does not pass in the Senate, because I feel confident it will pass in here because I know you will join me in making sure that our minimum wage workers at least are able to pay their apartment rents, because they cannot afford a house. If it does not pass in the Senate, believe me, it goes back to a vote of the people and it will pass and it will be higher than 68 percent.

It is a resounding support for something that has broad-based support. There were small business people who came before the hearing, calling on us to raise the minimum wage. In fact, you can find that it helps businesses because that discretionary income, that little additional money, allows them to purchase some of the goods and the products that then puts the money back into the system. This is the right thing to do. It is our responsibility to do it. Do not be afraid of the indexing. When I started to compute what our CPI has been, in 2000 it was 3.4, that was just about the highest it had been since 1990. In 2001 it was 2.8, in 2002 it was 1.6, and in 2003 it was 2.3. That meant 11 cents, ladies and gentlemen. That is all it would go up. At no computation do I find it going basically higher than 19 cents.

So all it is saying is, at least, allow these individuals, these working men and women, to throw them a rope. Give them a little bit of assistance. I ask you to join my colleagues, all of us together, to do what the public has said they want to do. That is, support the minimum wage increase by voting yes for AB 87. Thank you, Mr. Speaker.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I have to rise in opposition to this bill. I would be happy to support the bill if it contained only the minimum wage increase of \$1, or whatever number, within the bill. I have three problems with the bill. Indexing, while it is a cap, is also a guarantee, but no one guarantees the employer that he will get anything. No one guarantees the employer that he will even have a return on his investment, yet he would be required not only to pay the increase in the minimum wage, but also to increase it by CPI every year, but he has no guarantee while that occurs. I do not think that is appropriate.

The health insurance wording that is in this bill will actually make it cheaper for some employers to drop health insurance and pay a dollar. We asked to fix that language, but no

change was made. To me this is counterproductive. Why didn't we fix this so that we could vote for it? The tip language will raise the minimum wage for minimum wage workers who receive tips. They don't need that increase. They receive significant money from tips. At the same time, a true minimum wage worker, the person working in the back of a restaurant, or some other place, will get only the minimum wage increase. You are going to force the employer to pay an increase in wages to someone who already makes a fine living off tips for no reason. It makes it even harder for the employers to support this language. I would be happy, and I think many of the members in my caucus would be more than happy, to support this bill if all it did was increase the minimum wage. Thank you very much, Mr. Speaker.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. I appreciate the opportunity to rise and address these issues. I appreciate my Minority Leader's observations, and I have some of my own. I appreciate some of the comments of my colleague from District 9 in that this does not need to go into the Constitution should we pass this into statute, and I appreciate that. My own observations are the minimum wage is not intended to be enough to allow financial independence. It is, in reality, a stepping stone into work in life. It allows those who want to work to get a job and to have motivation to move up the ladder of earning power. There is a philosophic difference between earning a wage and deserving a raise. Those expecting a mandatory raise from minimum wage to another are harboring a hope, perhaps, that will not lift them to financial independence. Economic motivation drives us to better ourselves and our working situations. Employers who want to retain their good employees pay them more than minimum wage, now.

Health care insurance coverage is far more expensive than a \$1-an-hour raise. We have heard testimony in committee that it would cost the state of Nevada \$900 a month for one person to have health insurance. Now, a person earns approximately \$800 a month at \$5.15 an hour and will make almost \$1,000 a month at the increase of \$6.15 an hour. Even with more conservative numbers in the cost of health insurance, with \$500-a-month premium, it would be a \$6,000-a-year effective raise to the employee. This seems to me, actually, to be a disincentive for an employer to offer health insurance to the employees on minimum wage. Then we would be exacerbating the working poor from obtaining health insurance. There is an effectual increase in all wage when the minimum wage is increased. This will lead to increased costs to employers and a bump in the hierarchy of pay scales and differentials. My district, District 20, voted overwhelmingly in favor of the minimum wage increase and I feel, though there are negative aspects to this initiative, the people of my district will be represented in their choice. Thank you, Mr. Speaker.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. First, I would like to recall some comments by a member of the public during testimony on this bill. He said, "I'm here to give a voice as well as a face to the issues at hand of being a member of the working poor. I could possibly tell you about all the greatest accomplishments I've had over the years, but that is not important. My daddy used to tell me you could be the greatest fisherman in the world, but when you fall out of the boat you are a swimmer. That is what this is about—swimming. For every move you make is a move to keep your head above water. Every decision is a major decision. Five dollars and fifteen cents an hour just lets you tread water. I've heard comments such as, 'What difference could \$1 possibly make?' Well, when you're making \$10,000 a year, \$2,000 could make a dramatic difference in a family's life."

Mr. Speaker, raising the minimum wage does not cost jobs. In fact, all credible economic studies show that increasing the minimum wage could increase employment. Research has shown that higher wages actually increase employment by proving businesses' ability to attract, retain, and motivate their workers. Eight of eleven states with the minimum wage above the federal level, last year, exceeded the national average for job creation. We fund workforce development organizations as well as have many local organizations who consistently talk about recruiting and attracting high-paying jobs to our state. Mr. Speaker, I believe this is a good place to start. Thank you.

ASSEMBLYWOMAN GANSERT:

Thank you, Mr. Speaker. On face value, I, too, support the minimum wage but there are a couple of aspects of this bill with which I have problems. The first is the indexing, which was mentioned by our Minority Leader. The second is, this legislation uses the federal minimum wage as a benchmark. Right now, there is a proposal that the federal minimum wage be raised by \$2 an hour. So, in fact, if that were passed, our minimum wage could go from \$5.15 to \$7.15, plus with this legislation, another dollar would be \$8.15. I think that could have a substantial impact on small businesses and our economy. I'm hoping that we can take the positive aspects of this bill and pass that so we will have a positive outcome for businesses and the individuals who are paid minimum wage. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of A.B. 87. I think it is time we did raise the minimum wage a dollar. The reason, I think, I am going to vote for this most of all is that I hope that it gives people on welfare now an incentive to get off welfare and get a job. I think that we are making pretty good progress to take people off of welfare and keep them off of welfare but I think in the last number of years we've slid backwards. Now it is easier for them to be on welfare than it is to get a job. My main reason for voting for this is that it will take those people off of welfare and get them a job. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Thank you for allowing me to speak a second time. I just want to make it clear that under this bill, if you raise the minimum wage from \$5.15 to \$6.15 an hour, and the federal government does not take action this year, it will only go up the 2.6 percent, which is less than 18 cents. Then you would have it at \$6.33. If, at that time, the federal government did choose to finally raise the minimum wage, by say \$2, it would only be the percentage of the CPI the next time around, applying to it. It would not be the additional dollar. I think that helps protect the businesses and I think the way the initiative was written, it was to say we believe that there should be some benefit to both the employer and the employee. So, I think the safeguards that are there to protect on the side of the indexing. Again, it is just pennies in this matter, but it is enough to allow people to do as my colleague from Elko said, get back to work or stay employed, rather than having to be part of our working poor. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I support this for many reasons. But most of all, in view of the fact that the voters voted overwhelmingly for it, it is our response to the will of the people to not make them wait for another vote, yet again, when they have spoken clearly. I believe, also, that it is on our behalf a recognition of the dignity of the working man and woman and of honest work in Nevada, which has been the key to any Nevada going up in the world. Our state is full of stories of people who have come here and just by working very hard, have succeeded. So, let us keep on trying to help the people continue to do that.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker. I rise in support of A.B. 87. I would like to reference the Minority Leader when he spoke of tips. If I misstate, please correct me. We don't allow employers to use tips in considering minimum wage. We have that in statute. If we start changing that now, that is just bad public policy. I stand in support of A.B. 87 and I ask that you do, too. Thank you.

Roll call on Assembly Bill No. 87:

YEAS—33.

NAYS—8—Allen, Angle, Christensen, Gansert, Grady, Hettrick, Mabey, Sherer.

EXCUSED—1—McClain.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 28, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Horsford, Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Wiener; Assemblymen Arberry and Munford:

Senate Concurrent Resolution No. 7—Recognizing and commemorating the month of February as African-American History Month in Nevada.

WHEREAS, In 1915, Dr. Carter G. Woodson, noted African-American scholar and historian, and son of former slaves, founded the association known today as the Association for the Study of African American Life and History, and in 1926, he initiated Black History Week as the second week in February, to coincide with the birthdays of Frederick Douglass and Abraham Lincoln; and

WHEREAS, For many years, African Americans in the United States celebrated that week, and in 1976, as part of the nation's bicentennial, the week was expanded into the month of February and is now celebrated throughout North America in an effort to bridge the gap created by American history's failure to accurately acknowledge, portray and record the contributions and inventions of African Americans; and

WHEREAS, The original purpose of Dr. Woodson's efforts was to launch a serious platform to neutralize the apparent ignorance and deliberate distortion of the history of the African American and to create a scientific study that would give a more objective and scholarly balance in American and world history; and

WHEREAS, In North America, the celebration of African-American History Month includes lectures, exhibitions, banquets and a host of cultural activities presented throughout the month as a time to examine the collective ingenuity, creativity, cultural and political experience of African Americans; and

WHEREAS, Not only is the month of February significant because of the births of African-American pioneers Frederick Douglass, W.E.B. DuBois, Langston Hughes and Eubie Blake, it is also the month in which such institutions as the National Association for the Advancement of Colored People and the first Pan-African Congress originated, and historians may recall that the first African-American Senator, Hiram Revels, took the oath of office in February 1870; and

WHEREAS, African-American History Month takes on a paramount significance as we approach the 21st century because civil rights laws in combination with such celebrations have exposed the legal consequences of overt discriminatory practices and racial harassment, and the struggles for, and achievement of, independence by African countries in the 20th century have shown the strength, humanity, ingenuity and contributions of the African to human civilization; and

WHEREAS, These revelations have not succeeded in neutralizing prejudicial attitudes that generate discriminatory acts, and even though behavior may be controlled by laws, attitudes can only change through education and the elimination of ignorance; and

WHEREAS, In the words of historian Ralph L. Crowder, the observance of African-American History Month "must be a testimony to those African pioneers who struggled to affirm the humanity of African peoples and a challenge to the present generation to protect and preserve . . . the humanity of all peoples of African descent"; and

WHEREAS, African Americans in the State of Nevada have a long and active history of protesting against racial prejudice and social injustice through writing, community organization

and oration and have had among their leaders people such as the Reverend Bill Stevens of Las Vegas, who in the 1940s went daily to restaurants that discriminated against African Americans to attempt to order a meal or a cup of coffee, and Alice Smith, who founded the Reno-Sparks branch of the NAACP in 1945 and organized many religious and community activities throughout her life; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby recognize and commemorate the month of February as African-American History Month in honor of the contributions of African Americans that reflect a proud legacy of courage and dedication which has helped to guide our nation's success and prosperity; and be it further

RESOLVED, That the Legislature recognizes that there continues to be a need to acknowledge the importance of minorities in both the history and future of this State and that the recognition and observance of African-American History Month is a step in that direction; and be it further

RESOLVED, That the residents of this State are encouraged to join in this observance and reflect on past successes and challenges of African Americans in the United States, and especially in the State of Nevada, as we all look to the future and strive to continue to improve society so that we live up to the ideals of freedom, equality and justice.

Assemblyman Arberry moved that Senate Concurrent Resolution No. 7 be taken from the Resolution File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to O. Q. Chris Johnson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to William Harvey, Kim Nagy, Sheri Sepulveda, Marlene Moyer, Samuel Amador, Bryon Ames, Dustin Anderson, Lisa Balog, Nathan Centeno, Cody Clements, Sean Connolly, Cory Dillon, Myka Forster, Shannon Hayden, Connor Hughes, Brandon Josifko, Nick Maestretti, Luke Nagy, Jef Newby, Marissa Sepulveda, Bailey Sheets, Zoe Stephens, Craig Stratton, Ray Thomas, Jessika Wass, Cody Woodgeard, Danielle Christensen, Elisiel Conchas, Jason Pomeroy, Katiya Resney, Laura Palmer, Marco Gooding, Megan Frost, Selena Kaffer, Sierra Bertolone-Smith, Tonya Blanton, Andy Vardas-Doane, Jordan Pabon, Amy Rice, Brian Lowe, Cameron Morefield, Dan Palmer, Jack Gooding, Kaitlyn Varble, Lindsey Canham, Logan Peterson, Patrick Miller, Niko Teasdale, Ryan Dorsey, Logan Ames, Kaitlyn Barrett, Alexandra Baxter, Alan Bolanos, Keisha Clement, Brittney Deans, Jon Garner, William Jackson, Kendall Jones, Marissa Lopez, Rebecca Rebartchek, Jasmin Sarmiento-Gonzalez, Brooks Sheridan, Luis Sillas-Gonzalez, Jeffrey Tabrizi, Matt Tappen, James TenBroeck, Jake Tessman, Donovan Trudell, Cassandra Uhart, Kyle Voga, Grace Whited, Ramiro Vasquez-Garcia, Tawnie Wentz, and B.J. Sherwood.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Onie Cooper and Mary Williamson.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 1, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:32 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly