

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 10, 2011

Assembly called to order at 11:22 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor, Al Tilstra.

Today, we have come to transact the business of this state in this historic chamber. Today we stand on the shoulders of many great leaders who have fought for the issues they championed. May we follow in their footsteps.

Today we pray for Your gift of contentment, that we may not waste our time desiring more, but learn to use and enjoy what we have.

We may not know everything, but we may know You and Your will. We need not be rich to be generous, nor have all wisdom to be understanding. Our influence may not be great, but it can be good. Our speech may not be eloquent, but it can be truthful and sincere. We cannot all have good looks, but we can have a good conscience, and having that, we shall have peace of mind and need fear no man.

May we be kind one to another, tender-hearted, forgiving one another, even as You, for Christ's sake, have forgiven us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that ASSOCIATED PRESS: Deb Weinstein; DAILY SPARKS TRIBUNE: Dan McGee; KSNV-TV: Matt Kozar, Rick Trujillo; PROGRESSIVE NOW NEVADA: Brian Fadie; VEGAS PBS: Cade Cridland be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Ocegüera:

Assembly Bill No. 249—AN ACT relating to court reporters; making various changes pertaining to the appointment, duties and work product of court reporters in the district courts and justice courts of this State; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Conklin, Horne, and Ohrenschall:

Assembly Bill No. 250—AN ACT relating to juries; repealing the prospective expiration of the exemption from jury service of any police officer; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carrillo, Brooks, Frierson, Aizley, Anderson, Benitez-Thompson, Bustamante Adams, Flores, Munford, and Neal; Senator Manendo:

Assembly Bill No. 251—AN ACT relating to contractors; prohibiting certain actions by a contractor against persons who are older or vulnerable; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hickey, Ellison, Hardy, Kirkpatrick, Goedhart, Grady, Hammond, Hansen, Kirner, Kite, Livermore, Sherwood, Stewart, and Woodbury:

Assembly Bill No. 252—AN ACT relating to public works; requiring contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers on the public work; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 253—AN ACT relating to occupational safety; revising certain fines for willful or repeated violations of the Nevada Occupational Safety and Health Act; authorizing citations and fines for violation of a

settlement agreement; providing for a survey of salaries of safety and mechanical inspectors; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 254—AN ACT relating to occupational safety; providing for the issuance of a citation for certain occupational safety and health violations in the absence of the observation of the violation by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 255—AN ACT relating to occupational safety; requiring the Division of Industrial Relations of the Department of Business and Industry to provide certain persons with specified information and notifications relating to an investigation of an accident which results in the death or injury of an employee; requiring the Division to interview certain persons during an investigation of an accident which results in the death of an employee; requiring the Division to allow certain persons to participate in certain meetings relating to an accident which results in the death of an employee; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 256—AN ACT relating to industrial insurance; allowing wages from certain employment in another jurisdiction to be included in calculating average monthly wage; removing provisions authorizing benefit penalties to be imposed against insurers and third-party administrators; revising provisions relating to the payment of benefits; establishing various requirements relating to claims; repealing the prohibition against bringing or maintaining a cause of action against an insurer or third-party administrator for certain violations relating to industrial insurance; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ellison, Goicoechea, Hickey, Livermore, and Segerblom; Senators Brower, Gustavson, Halseth, Hardy, and Rhoads:

Assembly Bill No. 257—AN ACT relating to the Open Meeting Law; revising provisions governing periods devoted to public comment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 258—AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations relating to the licensing and operation of Internet poker; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 259—AN ACT relating to legal services; requiring a portion of certain existing fees to be used for certain programs for legal services; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 5 of the 75th Session.

Resolution read second time and ordered to third reading.

Senate Bill No. 23.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 50

Bill read third time.

Remarks by Assemblyman Hammond.

Roll call on Assembly Bill No. 50:

YEAS—42.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 134:

YEAS—42

NAYS—None.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

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

Motion carried.

FORMER NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you Mr. Speaker, for inviting me today to entertain everyone in this historic chamber where the Assembly met from 1871 to 1969. This is my fifth presentation since 2003. Speaker Richard Perkins began this latter-day tradition; Speaker Barbara Buckley continued it; and now Speaker John Ocegüera has sustained it.

I had the high honor in 2007 of recognizing Barbara Buckley as Nevada's first female speaker in this chamber. Today I have the privilege of sharing with everyone assembled here another first in Nevada history. Mr. Speaker, recognizing that you are an enrolled member of the Walker River Paiute Tribe, I congratulate you as Nevada's first Native American Assembly Speaker.

I want to separate fact from fiction regarding two prominent features of the old State Capitol to which you are here today: the cupola we generously call a dome; and the wrought-iron fence surrounding the building.

Let's start with our silver dome. Surely the Silver State's capitol "dome"—technically it's a cupola—was once covered with silver! It was, if you believe virtually every tour guide and bus driver talking to unsuspecting tourists. The literature on the State Capitol is replete with references to a "silver dome." After all, other state capitols have cupolas or domes covered with gold or made of copper, and Nevada's Comstock was queen of the silver camps in the mid-nineteenth century.

The oft-repeated story notes that with the seismic retrofitting of the capitol in the late 1970s and early 1980s, the "silver dome" was replaced with a silver-colored fiberglass cupola. However, the tale continues, when the capitol was completed in Carson City in 1871, the octagonal bell-shaped cupola gleamed in the sun because it was made of silver from Nevada's booming mines. Silver seemed to be everywhere, and the Carson City mint was turning silver bullion into American coins, so why wouldn't the capitol cupola be made of silver? It only stands to reason.

Or does it? What seems a logical assumption is dead wrong! The state of Nevada has seldom been one for extravagance—and the metal used to cover the capitol cupola bears it out. In referring to the new capitol in Carson City, Virginia City's *Territorial Enterprise* (January 3, 1871) pointed out that "The cupola has a curved roof, covered with tin, and is formed

in sections to suit the octagon base of the structure.” That’s right, that “silver dome” was made of tin, actually tin-plated steel called charcoal tinplate. It only looked like silver because of the shiny surface painted silver in color. Before 1876, the cupola was painted with Princess Red fireproof paint. If the cupola had been made of silver, its surface would have oxidized with prolonged exposure to air and moisture and turned black. Maintenance costs to keep the cupola gleaming would have been prohibitive. The capitol annex and two other small cupolas—the dome on the annex—dating back to 1906 are still covered with tin-plate panels painted silver.

When and where the story of a “silver capitol dome” started is a matter of conjecture. The why is probably because a silver cupola sounds a lot better in the Silver State than a tin cupola. And if it wasn’t true, it should have been! However, construction-related records in the Nevada State Library and Archives bear out the truth to the story behind the “silver dome” of the capitol and so do the workers who peeled the metal covering off the old cupola in March 1978.

Exhibit A—[displaying a metal sheet from the roof]: This is silver paint falling off. This is proudly Nevada’s pattern. It is a pattern from the silver capitol dome. Right? Do you want you to touch it, Mr. Speaker? Verifying, right? A little forensics. Okay, this is how we did business. Enough said, thank you.

As a postscript to the “Capitol Dome” story, let me share an experience I had with a tour bus group that visited Carson City and the Capitol. I joined the group at the Hilton, now Grand Sierra in Reno. I was asked to be a co tour guide with the bus driver. I marveled at the historical misinformation the driver shared on his microphone with the group as we traveled to the State Capital. However, I kept my mouth shut except to point out historical features he did not mention.

When the bus slowed in front of the Capitol Building, the driver proceeded to tell the group, pointing to the capitol dome, that it was once made of silver. All of this excitement! I waited for the bus driver to pull the vehicle over and the tourists to exit before I told the driver that the capitol cupola was never made of silver. He seemed genuinely shocked and told me his authorities on the subject were all the other tour bus drivers.

He then paused and sincerely told me it really didn’t matter what the truth was in this case. After all, the tour group was just tourists from Modesto!

Let me introduce you to Hannah Clapp, who along with Sarah Winnemucca—you have seen her statue in the rotunda downstairs when you come in or go back out—was one of the most prominent women in 19th century Nevada.

This is a folktale told to generations of school children in northern Nevada, and myself at John S. Park Elementary School in southern Nevada, with Marilyn Dondero Loop as one of my school students. We grew up believing these kinds of things to be historical fact. After all, they were in the history text, weren’t they? Even today, well-meaning teachers, authors, and others unknowingly perpetuate the myth as a true story. According to the legend, practically everyone in Carson City was shocked to discover that Hannah Keziah Clapp was awarded the bid to purchase the capitol fence in 1875 because the capitol commissioners did not recognize her initials, H. K., and found, to their surprise, that they had given the job to a woman!

Actually there are a number of different versions of this fence-building myth that have been widely circulated over the years according to Kathryn Totton, Clapp’s biographer. Writing in the fall 1977 issue of the *Nevada Historical Society Quarterly*, Totton noted that writer Marian Michelson first presented the fence story in a feature article entitled “A Sketch From Life” in 1899, nine years prior to Hannah’s death in Palo Alto, California. It was the subject of a radio program called “Death Valley Days” in 1940, which went on to television. In the same year, Reno’s *Nevada State Journal* published a version of the tall tale, and on December 28, 1943, Gladys Rowley, in her column “Reno Revue” in the Nevada State Journal, made it the principal topic. Each retelling altered the details of the event for the sake of the tale.

Michelson had Hannah hiring the crew and supervising the work in a “long, warm ulster” and warm woolen hat. In fact, the fence was erected in the heat of August and September. Anyway, according to records at the State Archives, Ms. Clapp, and her colleague and longtime

companion Elizabeth C. Babcock, were only responsible for the fence purchase. Another contractor, William D. Torreyson, was awarded the bid for installation, and Robert B. Stewart received the contract to lay the sandstone base for the fence.

With the facts obscured by the passage of time, the October 13, 1940, *Journal* article—making reference to the recently-aired “Death Valley Days” broadcast—had Hannah in trousers and boots overseeing the project and doing “a really excellent job building the fence.” The article claimed that “Hannah Clapp believed she could do the job more efficiently than any man, and submitted an estimate which was so sound and so moderate that she was awarded the contract, in spite of the fact that she was a woman.” I refer to this as BS.

Gladys Rowley took even greater liberties and claimed that the capitol commissioners were unaware that the H. K. Clapp to whom they awarded the bid was a woman, although she had been a well-known resident of Carson City for almost 15 years. Thomas C. Wilson, whose son Spike Wilson served in our state Senate, an advertising executive, perpetuated the myth in his popular *Pioneer Nevada* vignettes published by Reno’s Harold’s Club in 1951. Dante Pistone followed suit in his article “Carson City Heroine,” published in the *Nevada Official Bicentennial Book* in 1976.

The population of the entire county, Ormsby County at that time, was listed as only 3,222 souls in the 1875 state census. The truth was almost everybody knew H. K. Clapp, including Samuel Clemens when he lived and worked in the capital city in the early 1860s reporting for the *Territorial Enterprise*. Clemens, in a lengthy letter dated January 14, 1864, and signed Mark Twain, detailed a visit to Clapp’s Sierra Seminary and his observations of the classroom. In addition, the Carson City section of the 1862 *First Directory of Nevada Territory* lists Samuel Clemens and Miss H. K. Clapp on page 69. Virtually every city directory and newspaper story referred to Hannah as H. K. Clapp; it was common in that time—generally men but in this case a very successful businesswoman.

An article that ran in the May 4, 1875, edition of the Carson City *Daily Appeal* made abundantly clear just how the editor felt about H. K. Clapp and Eliza C. Babcock being awarded the bid for the capitol fence. Like this is going to the source now, right?

“Let there be no further complaints about the non-enjoyment of their rights by the women of Nevada.” What do they mean they didn’t know they were women? Of course they knew they were women.

“The contract for the furnishing of iron fencing for the Capitol Square has been awarded to Misses Clapp and Babcock, Principals of Sierra Seminary; their bid \$5,500 in coin for the delivery of the fencing upon the grounds is the lowest by some hundreds of dollars of those submitted.” The cast and wrought iron fence was purchased from Robert Wood Co. Ornamental Iron Works of Philadelphia and, we think, that Misses Clapp and Babcock have handsomely shipped by rail to Carson City. In the end, these pioneer educators and astute businesswomen made a sizeable profit of \$1,000 in 1875.

I just want to point out that Hannah Clapp went on to be one of the first faculty members at the University of Nevada when it was moved from Elko to Reno in 1885 to 1886. The *Appeal* graciously commented that “It will be found, we think, that Misses Clapp and Babcock have handsomely fulfilled their contract.” My problem is we are always swimming in a sea of misinformation, folks, and it is a difficult job to navigate that sea at all times.

I’ll conclude my presentation today wishing you well in addressing arguably Nevada’s worst economic crisis in its history.

The mining depression in the late nineteenth century was certainly the longest, more than 20 years. However, Nevada’s population was about 100,000 residents in the beginning of the depression in the late 1870s, and some 42,000 at the end in 1900. Mining boomed again to revitalize the dying state.

Nevada was late into the Great Depression—by latter 1931 followed by bank failures in 1932—but early getting out with a state budget surplus by 1935. The smallest state in the nation—with less than 100,000 residents—had major federal public works projects like the

Hawthorne Naval Ammunitions Depot and the Hoover Dam, coupled with substantial highway construction paid by federal dollars to help Nevada through its worst years.

The legalization of casino gambling in 1931; the lucrative migratory divorce business enhanced by a six-week residency period, in that same year, 1931; the end of prohibition in 1933; and, yes, brothel prostitution made for a prosperous service industry, particularly in Reno and Las Vegas.

With an all Democrat congressional delegation led by senior U.S. Senator Key Pittman, Nevada's budget had the highest per capita New Deal dollars among the 48 states. Pittman also persuaded Congress to pass, and President Franklin Roosevelt to sign, a federal subsidy bill for silver prices which revitalized Nevada's troubled mining industry. If that wasn't enough, Governor Richard Kirman, inaugurated in 1935, ran on a "One Sound State" campaign to attract scores of millionaires from across the country to move to Nevada as a tax haven. By 1939, with a booming economy, Nevada cut its property tax.

Today, some 2.7 million Nevadans find themselves in the fourth year of the so-called "Great Recession." Never have so many Nevadans found themselves facing so much hardship with the highest unemployment rate, bankruptcies, and foreclosures in the nation.

Nevada is in grave peril. Our state must reinvent itself in order to prosper for the rest of the twenty-first century. Arguably the 2011 Legislature, faced with the unprecedented economic problems besetting our state, is the most critical session in Nevada's history. What you do—or don't do—will lay the groundwork for our state's future. Our citizens look to you for hope and vision. And so do I.

Good luck and Godspeed.

Assemblyman Conklin moved that the Assembly adjourn until Friday, March 11, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly