

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 18, 2009

Assembly called to order at 11:10 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

Gracious God, we give thanks for all the blessings of this life, especially for the leadership of Kim Morgan, Bill Swackhamer, and John Marvel, inducted today into the Nevada Assembly Wall of Distinction. As these three have exemplified the spirit of wisdom, charity, and justice, imbue us with that same spirit. Take away any arrogance or hatred which infects our hearts. Break down the walls that separate us. Unite us in bonds of love and work through our struggle and confusion to accomplish Your purposes on Earth, that with steadfast purpose we may follow the example of Kim and Swack and John to faithfully promote the wellbeing of all people so that all nations and races may serve You in harmony. In Your Name we pray.

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

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 141.

Bill read second time and ordered to third reading.

Assembly Bill No. 248.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 141 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

integrity. Swack knew a great leader when he saw one, and today in honoring William Swackhamer, I believe that we, too, are recognizing one of Nevada's great leaders. Thank you, Madam Speaker.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the body, I want to add a few words. When we were making the decision of whom to induct into the Assembly Wall of Distinction, I interviewed a lot of people who have been participating in this democracy and who have followed the work in these halls for many, many years. I heard so much about Swack's contributions, not only here, but as Secretary of State. So many of the comments that my colleagues made were the same ones that I heard—he cared about the state intensely, yet he was so modest and yet so funny. When some of us feel like we have served a long time, we can look at his record of service, and ours pale in comparison. There are so many contributions that we owe to his incredible service, whether creating the higher education funding or the Lake Tahoe funding. We thank you for sharing him with us and with the state.

Resolution adopted unanimously.

By Assemblymen Buckley, Ocegüera, and Gansert:

Assembly Resolution No. 6—Adding John W. Marvel to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, A native of this State, John W. Marvel was born in Battle Mountain, Nevada, and graduated from the University of Nevada, Reno; and

WHEREAS, At the urging of Norman Glaser and Dean Rhoads, Mr. Marvel ran for the Nevada Assembly and was first elected in 1978, serving for 30 years, which included 15 regular sessions and 11 special sessions; and

WHEREAS, During his service in the Nevada Legislature, this dedicated public servant was recognized as a leader of utmost integrity, resulting in his party's selecting him for service as Minority Floor Leader in 1993; and

WHEREAS, Assemblyman Marvel contributed in forming policy affecting the people of the State of Nevada by steadfastly working to protect the interests of Nevada's rural counties and successfully sponsoring legislation on a wide variety of subjects, though he is proudest of his legislative efforts to reform the prison system, tax structure and water laws of this State; and

WHEREAS, As an extension of his dedication to our State, this revered Legislator represented Nevada by casting one of its five electoral college votes for the 2004 presidential election; and

WHEREAS, Mr. Marvel earned distinction during his service in the Nevada Legislature through his contributions to national and regional legislative organizations, including the American Legislative Exchange Council and the Western Legislative Conference; and

WHEREAS, This longtime rancher with deep-rooted ties to rural Nevada served as President of the Nevada Cattlemen's Association; and

WHEREAS, A recognized expert in many fields, this distinguished Nevadan served as Chairman of the Nevada Tax Commission and the Lander County Planning Commission and as a member of the Advisory Council to the National Public Land Law Review Commission; and

WHEREAS, His expertise led Assemblyman Marvel to serve as an invaluable member and leader of many legislative committees, including as Chairman of the Ways and Means Committee during the 1985 regular session and Cochairman during the 1995 regular session; and

WHEREAS, Those who have had the good fortune to work with John have exceptionally high opinions of him and fondly regard him as a thoughtful, caring, down-to-earth, responsible man with a great sense of humor, who always thinks of others' needs first; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman John W. Marvel, who dedicated 30 years of his life to representing the interests of all Nevadans in the

State Assembly with diligence, integrity and fairness, is hereby added to the Assembly Wall of Distinction.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblymen Carpenter, Smith, Hambrick, Arberry, Grady, Ohrenschall, Christensen, Anderson, Leslie, Ocegüera, Gansert, Stewart, and Madam Speaker.

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

ASSEMBLYMAN CARPENTER:

It is a great honor and privilege for me to honor my friend, John Marvel. John sat in this seat next to me for a number of years, and he was such a great friend. I think you are going to hear a lot of stories about what John did in the Assembly, but I would like to get back to his roots. His roots were really in the ranching business. John's grandfather, W.T. Jenkins, came here from Wales. He went into the sheep business and made a little money and then went back to Wales and married John's grandmother, Edith. W.T. passed away at an early age, and so Edith had to take over the business. Later on, John's mother Louise and his father Cap Marvel also had to run the business.

We have a story that says that the W.T. Jenkins Company had a permit to run 50,000 head of sheep on the national forest. The rumor was, though, that they had 100,000 sheep. I do not know whether that is true or not. Later on, along with his brothers Dick and Tom, they took over the family business. At that time, they only had about 35,000 sheep but they had added about 8,000 mother cows, and in those days, they kept the steers until they were two or three years old, so in reality, they had about 15,000 cattle and they had to run two wagons. The wagons went out onto the range and they gathered the cattle up and ran the calves and all those kinds of things. John probably could tell you some stories about his days on the wagon.

John was a heck of a bronco rider. The story is that if a horse wanted to buck with John, he would just throw the reins away and let him try to buck him off. John was a real rancher. I think the way to sum this up and give other people a chance to talk is that John Marvel is a rancher's rancher and a legislator's legislator. Thank you very much, Madam Speaker.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I rise in support of AR 6. I would be remiss as a Battle Mountain girl if I didn't rise in support of this resolution. Our lives have intertwined since I was a young girl. As I said, many of my best friends are sitting here today. When I arrived in the Legislature, John welcomed me as a colleague. It didn't matter that we were from different parties and didn't matter that we were from different generations. He is a consummate gentleman and teacher and mentor. I appreciate the time I have had to serve with him. Thank you, Madam Speaker.

ASSEMBLYMAN HAMBRICK:

Thank you, Madam Speaker. I rise in support of AR 6. It seems that one day in the 2005 Legislative Session, Mr. Marvel was walking down the hall and had a very worried expression on his face, with his wife being ill at the time. He ran into my attaché, Sheree Rosevear. She was wearing the hat she has on today. John's face lit up. What happened after that? Sheree was so impressed with it that the attachés' Happy Hat Day Contest was begun. They want to continue the tradition this year, and they sincerely hope that John will come back and be a judge at that contest. Thank you, Madam Speaker.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker. I rise in support of this resolution. As you know, I am probably the oldest of the bunch here. I go way back with Mr. Marvel and came in 1985. At that time, the Republicans were controlling this house. They took me under their wing and showed me my way. I have learned a lot, and Mr. Marvel and I became friends over the years. I am proud to say that he is not only a friend, but he is like a brother to me. Not too long ago, Mr. Marvel was under the weather a little bit, and we were having a hearing here in town. Mark Stevens, from

Fiscal said, “Did you know Mr. Marvel is in the hospital?” I said, “No.” I immediately left the meeting and went over to see Mr. Marvel. When I got to the hospital, he was in Intensive Care. The nurse asked me, “Well, how do you know Mr. Marvel?” I said, “He is my brother.” And they let me in.

Well, they had Mr. Marvel hooked up to all these gadgets and he looked like Dr. Frankenstein. He put a smile on his face and his son told me that he was glad I stopped by to see him. He hadn’t had a chance to see his dad smile. That meant so much to me. Over the years, as you know, John and I sat next to each other. I would lean over to the rancher and I would ask, “Mr. Marvel, what is your opinion?” You know he has that gravelly voice and would say, “Well, you know, Moose, I think we need to go this way.” I would say, “Mr. Marvel, we are going to go that way.”

We served together when Speaker Dini was here, and we had a tied house. It was an honor serving with Mr. Marvel. When Speaker Dini said we would serve as co-chairs, I was honored to serve with him as a co-chair because it was a lot of fun. We still got a lot of things done. The bottom line was what we could do for education. His heart was strong for higher education and educating the kids in the State of Nevada. Mr. Marvel, I miss you, my brother. I miss you every day so take care of yourself.

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker. I stand in support of A.R. 6. Before I started here, I happened to work for the Nevada League of Cities. I asked Mr. Dini, our Speaker Emeritus, who I should get to know in this building. He said, “Besides me, Mr. Carpenter and Mr. Marvel. We in the rurals have to stay together.” Then I found out that John was a banker. My previous life was in banking also, so we hit it off. I think one of my proudest moments is today when I can say, “John, you can have your seat back—but only for today.”

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. I rise in support of the resolution. I am a sophomore legislator, and I consider myself really lucky that I got to serve with former Assemblyman Marvel. Last session I was a freshman on the Taxation Committee. I figured I would learn pretty fast and it would be no problem at all. I just can’t tell you how impressed I was with John Marvel’s encyclopedic knowledge of the budget and tax policy. I was really proud one time, last session, on the Natural Resources, Agriculture, and Mining Committee when me, the city slicker, got to vote with my rural colleagues in a little block. The bill didn’t pass, but I remember I got to vote with Mr. Marvel and my rural colleagues. I want to thank him for the friendship he has shown to my family. Thank you.

ASSEMBLYMAN CHRISTENSEN:

Thank you, Madam Speaker. I rise in support of A.R. 6. It is such an honor to be able to rise and address these comments to you, Mr. Marvel. A handful of us who are still in this body were elected in 2002. I, too, asked who I should be close to and who really knows what is going on. I don’t know that I was smart enough to ask about legislation and who I should go to for that—it was more regarding how do I get around this big building. I was definitely forwarded to you. You and I became very close immediately in that session. What was amazing, looking at the quality of our former colleague, is that even when he was sick—I know he wasn’t feeling well, and I’m sure many of us would echo the same comment—his first question whenever he would see me was how my kids were doing, how my wife was doing, how my family was doing, and how I was doing. Again, at a time when I knew he wasn’t really feeling well, it just goes to show where his heart was and that he really cared about the people that he served with. He was always putting our needs first. It will always be an honor to be able to say I served with him, a man who has made such a great positive dent on this state.

I just really honor you for all your sacrifice and hard work, both to you and your family. Thank you, Madam Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. I also rise in support of the resolution. I had the opportunity to first meet John in 1987 when an organization that I belonged to and actively worked with at the

time was down here, concerned about finding additional dollars for education. They asked me to go by and speak with Mr. Marvel. It was my pleasure, having gone to college with members of his family and knowing the Marvel reputation and seeing some of his family in rodeos and various places. I thought it would be a great adventure not realizing what a great person I was going to come to know and to respect and to admire for his integrity and his undying love for children and his unwavering affection for his spouse. There is not a moment in the last 10 to 15 years that he has not been concerned about her and has treated each of us as if we were part of that same family. You can look at that long row of guests in the front row and recognize he treats us all with that same level of respect. I would feel remiss if I did not rise and support such a resolution.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. I rise in support of this resolution as well. When I first got assigned to the Audit Subcommittee three interims ago, I thought I was being punished. I really did. I went and Mr. Marvel was serving as the vice-chair when the Democrats were in control—but he was the chair for many years before that, off and on. He quickly made it clear to me that I was not being punished and that it actually was one of the best assignments in the building. We served for a long time on that Audit Subcommittee, which is really where you find out where the bodies are buried in state government. You find out what is working well and what's working not so well, who is doing a good job or who could do a better job. One interim I was chairing, and we asked the state bureaucrats some questions—and I am a bureaucrat, so I recognize a little bull when I hear it, as one bureaucrat to another. The best bull detector on that Audit Subcommittee, though, was John Marvel. Even when he wasn't chairing, he would hear something. You know how you get lulled sometimes in those long hearings, with people going on and on and on? He would cut right to the chase, and he would mumble something into my ear, and I would perk up and think I should pay closer attention to that.

And to tell you about his dedication to that Audit Subcommittee, at our last meeting when we met right before session, our audit staff actually honored Mr. Marvel. I have never seen that done before, where the Audit staff felt so compelled, that they gave him a plaque and made a statement to honor all his years of his work on that subcommittee. I know he takes great pride in that. I learned a lot from you, Mr. Marvel. He always told me to call him John, but I could never do that. I learned a lot from you, and I sincerely appreciate what you taught me and appreciate your service to our state. Thank you.

ASSEMBLYMAN OCEGUERA:

Thank you, Madam Speaker. I rise in support of A.R. 6. You know, growing up in northern Nevada, there were names that were synonymous with service: Dini, Getto, Carpenter, Jacobsen, and Dodge. Another one of those names for sure was Marvel. When someone like John Marvel would come to town, it was like President Obama coming to town. It was always neat to see.

It was an honor and privilege to be able to serve with Mr. Marvel. I sat in the front row of the Assembly for a few sessions, and I must have learned to speak "Marvel." They would always have someone sitting next to me that was a freshman, and they would say, "What did he say?" So I would translate. Over the years I think I have taught that language to a few freshmen. It was a privilege to do that as well. Thank you, Madam Speaker.

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. I, too, rise in support of A.R. 6. I have been very honored to serve with Mr. Marvel, and I appreciate all the work he has done. When I first came, I sat at the end of the row in Ways and Means. I sit in his chair now. I am on the cliff. I'm on the edge and have to stand up right. I learned so much. Mr. Marvel was always quite quiet, but every now and then he and Mr. Hettrick would start talking behind me, and I knew something important was coming up. I appreciate your work, and I also appreciate the example. You were never one to grandstand or make a lot of noise or be out front, but you always got to the point and stepped up when you needed to. I appreciate that mentoring you have provided me.

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. I, too, am very honored to have served with John Marvel. He is always such a humble, knowledgeable, great individual. He is a Republican treasure, but more importantly, he's a Nevada treasure.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the body, I, too, would like to thank John for his 30 years of service. John never was partisan. He always looked out first for the interests of the state and always looked out for the interests of the rural communities. He taught us folks from southern Nevada a thing or two about what it was really like in the rural communities. My colleague, the Majority Leader, talked about learning to speak "Marvel." I think what that really meant for me was that when John would speak in a committee—and he would be a few persons down from me on the row—it was always because someone wasn't speaking straight. He would set them right. The whole committee would notice when John would speak. That is a true sign that he had something to say. He did that time and time again. John, thank you for your dedication, your leadership, and for your service.

Resolution adopted unanimously.

By Assemblymen Buckley, Ocegüera, and Gansert:

Assembly Resolution No. 7—Adding Kimberly Ann Morgan to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, The Assembly wishes to add to its Wall of Distinction those past staff members who are selected by leadership to be acknowledged for their exemplary service to the Assembly; and

WHEREAS, Kimberly Ann Morgan was born in Washington, D.C., on October 1, 1956, and came to Nevada with her family in 1972; and

WHEREAS, Kim is the daughter of the esteemed Richard Linn Morgan, who dedicated many years of his professional life to improving public policy and education in Nevada through his work as a legislative advocate; and

WHEREAS, Ms. Morgan joined early in her father's steadfast commitment to public service by going to work with the Nevada State Library as a high school student in January of 1973; and

WHEREAS, Kim began her career with the Legislative Counsel Bureau as a typist in that same year and worked her way up through the organization, becoming a committee secretary in January of 1975; and

WHEREAS, Kim left Nevada in 1977 to attend the University of Oklahoma College of Law only to return to the Legislative Counsel Bureau in 1980 to take a position as Deputy Legislative Counsel; and

WHEREAS, Quickly rising to the positions of Assembly Bill Drafting Adviser and Chief Deputy Legislative Counsel, Kim tutored every new legislator in the Assembly for over 20 years in how to read the law and taught many young bill drafters how to write it; and

WHEREAS, Kim's intelligence, kindness, diligence and devotion to this institution were second to none and were in no small part responsible for many of the legislative successes celebrated in the Assembly; and

WHEREAS, Kim's concern for and generosity toward others have always extended beyond this institution to her community and church, as is evidenced by Kim's commitment to entering the priesthood through St. Peter's Episcopal Church of Carson City; and

WHEREAS, Kim's husband John Slider, her mother Barbara Morgan, her brother Randy Morgan and her late father Dick Morgan no doubt share in the Assembly's pride at being able to call Kim one of their own; and

WHEREAS, Kim's ongoing dedication to the State of Nevada, her community, her church and her family are an example to which we all can aspire; now, therefore, be it