

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.

GENERAL FILE AND THIRD READING

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 250:

YEAS—42.

NAYS—None.

Assembly Bill No. 250 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Ocegüera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Buckley, Ocegüera, and Gansert:

Assembly Resolution No. 5—Adding William D. Swackhamer 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 members of the Nevada Legislature are saddened by the loss of one of their own, former Assemblyman and Secretary of State William D. Swackhamer; and

WHEREAS, Born in Winnemucca, Nevada, and raised in Battle Mountain, Bill “Swack” Swackhamer joined the U.S. Army Corps in 1943 and fought in Italy during World War II, returning in 1946 to run his family’s general store in Battle Mountain; and

WHEREAS, Swack was a shy, modest and unassuming man who enjoyed baseball and books and working in his general store in Battle Mountain; and

WHEREAS, Swack was handpicked by party officials in Lander County to run for the State Assembly and won his first term in 1946, representing the residents of Eureka, Lander and Pershing Counties as Assemblyman from 1946 to 1972, as Speaker of the Assembly for two regular sessions in 1957 and 1965 and for three special sessions in 1958, 1965 and 1966, and as Majority Floor Leader in the 1967 Regular Session and 1968 Special Session of the Legislature; and

WHEREAS, Swack’s tenure in the Assembly included 14 regular and seven special legislative sessions, and as Assemblyman, he supported rural interests, including building hospitals, schools and other facilities in rural Nevada, securing funds for the improvement of county roads throughout the State and fighting government waste throughout his political career; and

WHEREAS, Swack made protecting the health and beauty of Lake Tahoe a focus of his career in public service, along with spearheading the effort to institute a gaming tax to create the Capital Construction Fund for Higher Education; and

WHEREAS, Former Speaker Swackhamer was appointed Nevada's Secretary of State in 1973 and won three successive elections, leaving office in 1987 after overseeing the computerization of that office's operations, a remarkable 40 years after his first election to the Assembly; and

WHEREAS, Swack had a wonderfully dry sense of humor and was known to advise other politicians who might be tempted to take themselves too seriously to first look across the aisle and remember, that person too was elected to public office; and

WHEREAS, Bill passed away while staying with his daughter Becky in Idaho on July 10, 2008, at the age of 93 and was buried alongside his beloved wife Joyce in his chosen resting place of Battle Mountain; now, therefore be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman and Secretary of State William D. Swackhamer, who gave 40 years of his life to steadfastly serving all Nevadans with intelligence, candor and determination, is hereby added to the Assembly Wall of Distinction.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblywoman Smith and Madam Speaker.

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

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I rise in support of Assembly Resolution 5. Thank you for giving me this opportunity to say a few words about Bill Swackhamer. He is simply one of the finest public servants this state has ever seen, who like me, I am proud to say, hailed from Battle Mountain. I was not nervous until I walked in this morning and saw so many of my best friends from childhood and adulthood here today.

I didn't have the pleasure of personally knowing Swack, but growing up in Battle Mountain with other members of his family, I can say he was legendary. I certainly feel like I knew him. One thing that everyone who did know him will tell you is that he was a very funny man. When Beverly Harrell, a local madam in Nye County, ran for the Assembly and won her primary, her potential election to this hallowed body apparently worried someone enough that they stole the ballot box from the precinct in the general election. When Miss Harrell called Swack, who was then Secretary of State, to complain, she reportedly said, "Swack, I've been screwed," to which he simply replied, "I've no doubt you have." Sadly for Ms. Harrell, the ballot box was never recovered. While he was clearly an effective, well-respected legislator and Secretary of State, Swack was also an unassuming, friendly man who avoided self-promotion and grandstanding and never thought himself better than others.

One of Swack's deputies at the Secretary of State's office recently remembered the statement that you heard in the resolution—something he told them he thought was good advice for all of us—when he said, "If you ever start taking yourself too seriously, just look at the person seated across the aisle from you and remind yourself that he was also elected by the public." Swack never bragged about being a legislator, even though his accomplishments in this building impacted the lives of virtually every Nevadan for the better. In the early years of his service when he would return home from the Legislature, not everyone knew what he did. He would go back to work in the store, and his customers would sometimes say, "Hey, Swack, where have you been? I haven't seen you for awhile." In fact his wife Joyce said that he did not even tell her that he was an Assemblyman until after they were engaged because he didn't think it was important.

Swack was a veteran of World War II, a devoted husband and father, an exemplary public servant, and a man of grace, charm, wit, and modesty. Can you imagine—he served this state for virtually all of his public life? Again, displaying his wry sense of humor, he said at his retirement lunch in 1987, "You'll never really know how wonderful life is until you run for public office and then get out of it." I am proud to follow in Swack's footsteps from Battle Mountain to the state capital. Like so many in this room, when I look up at the portrait of Abraham Lincoln—that he had installed here—I hope we are all inspired as Swack was to work hard for the people of Nevada and to try every day to do so with humor, kindness, modesty, and

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