

**THE SECOND DAY**

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CARSON CITY (Tuesday), February 3, 2009

Assembly called to order at 11:06 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, we thank You for yet another day and these legislators who have come from near and from far. Today is our first Tuesday. Mother Goose taught us that Tuesday's child is full of grace. Well, that's indeed what we need to serve our people this year. With the current situations around us, we need nothing less than Your grace and mercy and favor to do our job. Please bless us with such. We pray gratefully in the Name of the Giver of all Good Gifts.

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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 2, 2009

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

SPECIAL ORDERS OF THE DAY

The hour of 11:10 a.m. having arrived, vetoed Assembly Bill No. 396 of the 74th Session was considered.

Vetoed Assembly Bill No. 396 of the 74th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR  
JIM GIBBONS

June 15, 2007

The Honorable Ross Miller, *SECRETARY OF STATE*, CAPITOL BUILDING, 101 NORTH CARSON STREET, CARSON CITY, NEVADA 89701  
RE: Assembly Bill 396 of the 74th Legislative Session

DEAR SECRETARY MILLER,

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 396 of the 74th Legislative Session, which is entitled:

AN ACT relating to common-interest communities; revising provisions governing restrictions on the use of systems for obtaining solar or wind energy; requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; revising the provisions governing the regulation of certain streets in common-interest communities; revising provisions concerning voting rights exercised by delegates or representatives; prohibiting an association in a common-interest community from imposing an assessment against the owners of certain tax-exempt property; providing that a foreclosure on a unit is subject to an equity or right of redemption; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; requiring applicants for a certificate for the management of a common-interest community to post certain bonds; making various other changes to the provisions governing common-interest communities; and providing other matters properly relating thereto.

This bill makes a variety of sweeping changes to common-interest communities.

Some aspects of this bill represent good public policy. Other aspects, however, could have unintended and unanticipated impacts on common-interest communities and those who live within those communities, including the possibility of increased assessments and the possibility of dramatic changes to common-areas without an opportunity for homeowners to participate. Furthermore, the concerning aspects of this bill were the result of substantive amendments at the close of session. The late date of the amendments prevented any opportunity for full hearings on the final version of this bill. I encourage the Legislature to hold such hearings during the next regular session in 2009, and to carefully consider the full impact of all aspects of this bill. For all of these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 396.

Sincerely  
JIM GIBBONS  
*Governor*

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblymen Anderson, Gansert and Madam Speaker.

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

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. Assembly Bill 396, which is a product of the Assembly Judiciary Committee, was overridden by the Governor. As already indicated, the bill draft contained various issues related to common-interest communities and was amended several times during the session. There are numerous bill drafts from members of this body already, some of which I consider to be very, very important, which the Judiciary Committee will take up. I will consider them, and they will be in front of this body. Therefore, the Assembly does not need to override the Governor’s veto. I believe the Governor’s veto should be sustained.

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. Just a clarification. To sustain the veto, we vote “no,” which is the red button on our desks. There was some confusion earlier.

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

“No” is red. An “aye” vote overrides and a “no” vote sustains the veto. Okay? Any questions or further comments?

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—None.

NAYS—Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Oceguela, Ohrenschall, Parnell, Pierce, Segerblom, Settelmeyer, Smith, Spiegel, Stewart, Woodbury—42.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Armando Denis.

Assemblyman Oceguela moved that the Assembly adjourn until Wednesday, February 4, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 11:16 a.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*