

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), February 25, 2009

Assembly called to order at 11:05 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ron Torkelsen.

Dear God, we say in our Pledge of Allegiance to this country that we are "one nation under God." We print on our money "In God We Trust." I pray this morning that we will not forget that this country is founded on the trust in a supreme being. May we also remember that You have entrusted to us the responsibility of directing the business of this state. May we put our trust in You once again, and in return, may the wisdom You have promised be a gift to this Assembly today.

The decisions made here today and in the future will affect the lives of many people. May this not be forgotten as the business of this day is pursued, and I thank You in advance for the success You will give.

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 Judiciary, to which was referred Assembly Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 63, 96, 105, 116; Senate Joint Resolution No. 9 of the 74th Session.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Aizley, 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, Ocegüera, Ohrenscha11, Parnell,

Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury; Senators Raggio, Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copening, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Rhoads, Schneider, Townsend, Washington, Wiener and Woodhouse:

Assembly Concurrent Resolution No. 9—Memorializing longtime Reno lawyer, civic leader and philanthropist William O. “Bud” Bradley.

WHEREAS, The members of the Nevada Legislature are saddened by the passing of William O. “Bud” Bradley, longtime Reno lawyer, civic leader and philanthropist; and

WHEREAS, Bud Bradley, a native of White Pine County, was born on February 27, 1924, and attended Stanford University until his duty to serve his country compelled him to join the United States Navy Air Corps as a pilot and flight instructor in World War II; and

WHEREAS, Upon his return to Nevada after the war, Bud graduated from the University of Nevada, Reno, and went on to obtain a law degree at George Washington University Law School in 1950, met his future wife Joan Sheaff of Holcomb, Illinois, and opened a law office in Reno a mere five years later; and

WHEREAS, While first specializing in water rights law, Bud expanded his law firm, known today as Bradley, Drendel & Jeanney, so much so that the firm continues to be a leader in the representation of injured persons; and

WHEREAS, Bud was recognized by his colleagues as one of the top 100 lawyers in America and was inducted into The Inner Circle of Advocates in 1972; and

WHEREAS, Bud was an original trustee of the Reno Air Racing Association and the philanthropic organization, the E.L. Cord Foundation, which has distributed millions of dollars to charitable groups in northern Nevada; and

WHEREAS, Bud was honored for his civic leadership, particularly in education, when the University of Nevada, Reno, presented him with an Honorary Degree of Doctor of Laws in May 1993; and

WHEREAS, Preceded in death by Joan, his wife of 50 years, Bud passed away at home on January 17, 2008, at the age of 83; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Nevada Legislature offer their deepest condolences to the surviving family members of Bud, including his beloved sons Bill and Joe Bradley, and daughter Elizabeth Thomas; and be it further

RESOLVED, That Bud will be remembered as an extremely accomplished lawyer who continually worked to improve the communities of northern Nevada, as a role model in civic leadership and philanthropy, and as a true friend to Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bud’s children, Bill, Joe and Elizabeth.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Carpenter and Madam Speaker.

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

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. Bud Bradley was an advocate—a term often used but in my opinion really not understood, at least not understood as I have come to understand it and as exemplified by this “champion.” The oldest use of the term is a fighter for the cause of the underdog, yet someone whose integrity is never questioned.

Bud was a pilot, as you have heard in the resolution, who loved the simple freedom of flight, who when the country was in need, gave up his studies at Stanford to move to the defense of the nation and then returned with his fellow veterans of the Greatest Generation to complete his undergraduate studies at the University of Nevada—before it had an R after its name. He did not become a doctor as his father had been in Ely and follow in that honorable profession but rather turned his attention to law school. We all are the better for having his involvement in the Reno community.

Miguel de Cervantes once wrote that if you "take away the cause, [and] the effect ceases." The Chief Clerk has read a few of the many accomplishments that Bud and his wife, Joan, have provided to our community. Certain groups would be nothing without their contribution for some time. The effect of his involvement, and their involvement, together, will live on in our community forever. It is something that we will have to cherish.

It was all about his wife, his two sons and daughter—the pride of their accomplishments and the groups they put forward, groups like the Assistance League of Washoe County, where Joan spent countless hours, and Bud came up with the financial support to make it happen.

When I listen to public radio, the cause remains because of Bud and Joan's involvement. The E.L. Cord Foundation may have provided the money, but the spirit behind it was the power of those two individuals. When I go to the air races and hear the roar of the planes, I hear his voice calling to the adventures of life—the life he loved and lived to its fullest roar. That was Bud Bradley, like a knight of old entering the lists as a champion for the cause—an advocate for the rights of the underdog and the full passions of life. That is the man we would honor today. Thank you, Madam Speaker. I would urge my colleagues to support this resolution and to adopt it.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I rise in support of ACR 9. The Bradley family, as the resolution said, was very prominent in the Ely area. Bud's father took care of many of my relatives in their time of need. Bud was a native of White Pine County. When he got his law degree, he did represent many ranchers in that area because he was not afraid of the Bureau of Land Management and he certainly knew water law. I always will remember a story my uncles told me because Bud represented them in a number of incidents they had. He said that when we have the law on our side, we recite the law. If we have the facts on our side, we recite the facts. If we have neither one, we just pound on the desk. Bud Bradley won many cases by just pounding on the desk. It is great to be able to remember someone who came from my hometown and my home county. Thank you very much to my colleague from Sparks for bringing this resolution forward.

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

I began my legal career as a legal secretary working for a great trial lawyer. I would hear stories about the best and brightest trial lawyers in Nevada. One of the first ones I heard about was Bud Bradley. I think my colleagues from Sparks and Elko really captured the spirit of the best of the legal profession and that is those who represent the underdog; those who are not afraid to stand up to the powers that be when they are on the right side; those who are not afraid to do something just because it is the right thing to do regardless of the pecuniary outcome. That just describes Bud Bradley to a tee, as well as his children who live his legacy along with their mother. I am pleased to be able to add my support to this resolution and thank again my colleague from Sparks for bringing it forward.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 9 be immediately transmitted to the Senate.

Motion carried.

NOTICE OF EXEMPTION

February 24, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 81.

GARY HIGGERI
Fiscal Analysis Division

February 24, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 53 and 135.

GARY GHIGGERI
Fiscal Analysis Division

By Committee on Judiciary:

Senate Joint Resolution No. 9 of the 74th Session—Proposing to amend the Nevada Constitution to allow the Legislature to establish an intermediate appellate court.

Legislative Counsel's Digest:

This resolution proposes an amendment to the Nevada Constitution to allow the Legislature to establish an intermediate appellate court, known as the court of appeals. If the Legislature establishes the court of appeals, the court must consist of at least three judges. The initial judges will be elected at the first general election after the creation of the court, and each judge will be elected to serve a term of 6 years.

The court will have appellate jurisdiction in civil cases arising in district court and in criminal cases within the original jurisdiction of the district courts. The Nevada Supreme Court must fix the jurisdiction of the court and provide for the review of appeals decided by the court.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3A, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 3A. 1. The Legislature may provide by law for the creation of a court of appeals.

2. If the Legislature creates a court of appeals pursuant to subsection 1, then:

(a) The court of appeals must consist of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court may provide by rule for the assignment of any appeal to a panel of three judges for decision.

(b) Except as otherwise provided in paragraph (c) and unless the Legislature provides for a term of fewer years pursuant to paragraph (d), each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial judges of the court of appeals must be elected by the qualified electors of this State at the first general election following the creation of the court of appeals.

(c) Notwithstanding the provisions of paragraph (b), if, at the time that the Legislature establishes a court of appeals, this Article provides for the appointment of each justice of the Supreme Court and judge of the district court by the Governor, each judge of the court of appeals must be appointed by the Governor in the manner and for the term provided in Section 20 of this Article.

(d) Except as otherwise provided in paragraph (e), if there is an increase in the number of judges of the court of appeals, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term beginning on the first Monday of January next after the election. The Legislature shall provide for an initial term of 6 or fewer years for each additional judge so that the terms of all judges of the court of appeals expire at the same time.

(e) Notwithstanding the provisions of paragraph (d), if, at the time that there is an increase in the number of judges of the court of appeals, this Article provides for the appointment of each justice of the Supreme Court and judge of the district court by the Governor, each additional judge must be appointed by the Governor in the manner and for the term provided in Section 20 of this Article.

(f) The Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years and may succeed himself. The chief judge may resign his position as chief judge without resigning from the court of appeals.

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. The judicial power of this State ~~shall be~~ is vested in a court system, comprising a Supreme Court, ***a court of appeals, if established by the Legislature***, district courts ~~and~~ and justices of the peace. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 4 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 4. *1.* The Supreme Court ~~shall~~ ***and the court of appeals, if established by the Legislature***, have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. ***If the Legislature establishes a court of appeals, the Supreme Court shall fix the jurisdiction of the court of appeals and provide for the review, where appropriate, of appeals decided by the court of appeals.*** The ~~court shall~~ ***Supreme Court and the court of appeals*** also have power to issue writs of mandamus, certiorari, prohibition, quo warranto ~~and~~ and habeas corpus and also all writs necessary or proper to the complete exercise of ~~its appellate~~ ***their*** jurisdiction. Each ~~of the justices shall have power to~~ ***justice of the Supreme Court and judge of the court of appeals may*** issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody ~~in this State~~ and may make such writs returnable ~~before himself~~ ***before the issuing justice or judge*** or the ~~Supreme Court~~ ***court of which the justice or judge is a member***, or before any district court in the State or ~~before~~ any judge of ~~said courts~~ ***a district court***.

2. In case of the disability or disqualification, for any cause, of ~~the Chief Justice or one of the associate justices~~ ***a justice*** of the Supreme Court, ~~for any two of them,~~ the Governor ~~is~~ authorized and empowered to designate any ***may designate a judge of the court of appeals or a district judge*** ~~for judges~~ to sit in the place ~~for places of such~~ ***of the*** disqualified or disabled justice . ~~for justices, and said judge or judges so designated shall receive their~~ ***The judge designated by the Governor is entitled to receive his*** actual expense of travel and otherwise while sitting in the Supreme Court.

3. ***In case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge that the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.***

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court, ***the court of appeals, if established by the Legislature***, and ***the*** district courts ~~shall~~ ***must*** be as fixed by law. The terms of the Supreme Court ~~shall~~ ***must*** be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. ***The terms of the court of appeals, if established by the Legislature, must be held at the place provided by law.*** The terms of the district courts ~~shall~~ ***must*** be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. *1.* The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State ~~and~~ and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~and~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases, in which appeals may be taken from justices and other courts. The Supreme Court, *the court of appeals, if established by the Legislature*, the district courts ~~and~~ and such other courts ~~as~~ as the Legislature shall designate ~~shall be~~ are courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court, *the judges of the court of appeals, if established by the Legislature*, and the district judges ~~shall be~~ are ineligible to any office, other than a judicial office, during the term for which they ~~shall~~ have been elected or appointed. ~~and all~~ All elections or appointments of any such judges by the people, Legislature ~~and~~ or otherwise ~~shall~~ during said period ~~shall~~ to any office other than judicial ~~shall be~~ are void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

~~See~~ Sec. 15. The justices of the Supreme Court, *the judges of the court of appeals, if established by the Legislature*, and *the* district judges ~~shall~~ are each entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which ~~shall~~ must not be increased or diminished during the term for which they ~~shall~~ have been elected, unless a vacancy occurs, in which case the successor of the former incumbent ~~shall~~ is entitled to receive only such salary as may be provided by law at the time of his election or appointment. ~~and provision shall~~ A provision must be made by law for setting apart from each year's revenue a sufficient amount of money ~~shall~~ to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court *or the court of appeals, if established by the Legislature*, or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court ~~shall~~ or *the court of appeals, if established by the Legislature, must* be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court ~~shall~~ must be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the *Supreme* Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~shall~~

must be appointed when a vacancy occurs, and their terms ~~(shall)~~ expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

- (a) One resident of any county.
- (b) Two members of the same political party.

↪ No member of the permanent Commission may be a member of ~~for~~ *the* Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[↪ If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, *a judge of the court of appeals, if established by the Legislature*, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

- (a) Two justices or judges appointed by the Supreme Court;
- (b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and
- (c) Three persons, not members of the legal profession, appointed by the Governor.

↪ The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the *Supreme* Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

- (a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;
- (b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;
- (c) The standards for the investigation of matters relating to the fitness of a justice or judge; and
- (d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~shall~~ **must** be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. ***If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the Commission for that proceeding.*** If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

~~Sec.~~ **Sec. 3.** For any reasonable cause to be entered on the journals of each House, which may ~~be~~ or may not be sufficient grounds for impeachment, the ~~Chief Justice and associate~~ justices of the Supreme Court, ***the judges of the court of appeals, if established by the Legislature,*** and ***the judges of the district courts*** ~~shall~~ **must** be removed from office on the vote of two thirds of the members elected to each branch of the Legislature. ~~and the~~ ***The*** justice or judge complained of ~~shall~~ **must** be served with a copy of the complaint against him ~~and shall~~ **and** have an opportunity of being heard in person or by counsel in his defense. ~~provided, that no~~ **No** member of either branch of the Legislature ~~shall be~~ **is** eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

~~Sec.~~ **Sec. 8.** The Legislature shall provide for the speedy publication of all statute laws of a general nature ~~and~~ and such decisions of the Supreme Court ~~and the court of appeals, if established by the Legislature,~~ as it may deem expedient. ~~and all~~ **All** laws and judicial decisions ~~shall~~ **must** be free for publication by any person. ~~provided, that no~~ **No** judgment of the Supreme Court ***or the court of appeals*** shall take effect and be operative until the opinion of the court in such case ~~shall be~~ **is** filed with the clerk of said court.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Conklin, Horne, Kihuen, Parnell, Arberry, Atkinson, Carpenter, Dondero Loop, Gustavson, Hambrick, Kirkpatrick, Manendo, McArthur, McClain, Mortenson, Ohrenschall, Segerblom and Settelmeyer (by request):

Assembly Bill No. 213—AN ACT relating to cancer; requiring the State Board of Pharmacy to establish the Cancer Drug Donation Program; requiring the Board to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Parnell:

Assembly Bill No. 214—AN ACT relating to public employees; including certain employees of the Department of Public Safety and certain park rangers and employees of the Division of State Parks of the State Department of Conservation and Natural Resources in the definition of “police officer” for various purposes relating to industrial injuries and occupational diseases; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 63.

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

Motion carried.

Senate Bill No. 96.

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

Motion carried.

Senate Bill No. 105.

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

Motion carried.

Senate Bill No. 116.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblymen Parnell and Anderson.

Roll call on Assembly Bill No. 114:

YEAS—42.

NAYS—None.

Assembly Bill No. 114 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 25, 2009

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. 11.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Assemblyman Goedhart moved the adoption of the resolution.

Remarks by Assemblymen Goedhart, Smith, and Carpenter.

Resolution adopted.

REMARKS FROM THE FLOOR

Assemblyman Ohrenschall requested that his remarks be entered in the Journal.

Thank you, Madam Speaker. I'm privileged to have a few guests today. The Nevada Commission on Autism Spectrum Disorders is hosting a luncheon here at the Legislature, and I want to thank everybody for wearing the blue pins. It means a lot to the families and everyone who is here. I would like to introduce some of my guests. From Touro University, I have Dr. Nicole Cavenagh. I have also the Associate Vice President from Touro University, Craig Seiden, and some very special guests, Megan Crandy and Alden Grant, who are young people who have benefited from evidence-based therapies. Alden's mom, Michele Tombari, is in the gallery. Michele wrote a letter that appeared in one of our Las Vegas papers last week, and I just want to read a brief excerpt:

"In 1996, when my severely affected son was diagnosed, our insurance specifically excluded autism. We were forced into serious debt to provide a seven-year applied behavioral analysis program. My son now earns a 4.0 GPA in eighth grade, is a Life rank Boy Scout, and is a two-time Nevada Regional Robotics Champion. I was blessed to see my son recover; I was tortured by the children not given the opportunity to recover. For years many other parents and I fought for services here in

Nevada. This year I'm proud to say my 14-year-old son [Alden] has joined the cause."

He recently walked the halls in Carson City at the Legislative Building, requesting Assemblymen and Senators cosponsor a bill to help families who are raising kids with autism. It was an honor to hear him speak easily and persuasively with legislators about the importance of this bill and how it would allow others to become taxpaying citizens and live up to their potential.

That letter really touched me. Michele, I really thank you for writing it, and I want to thank everybody here, and I hope everyone will attend the luncheon. Please make my guests feel welcome.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Bradley, Liza Bradley, Kris Thomas, Drew Bradley, Devon Thomas, Grace Thomas, Victoria Riley, Julie Ostrosky, Victoria Coolbaugh, Kathy Collan, Bill Bradley, Joe Bradley, and Elizabeth Thomas.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Throckmorton.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roy Gomm Elementary School: Salina Alavi, Johnnye Bartlett, Tyler Black, Andrew Brookshank, Conner Bryan, Luke Coley, Olivia Devia, Noah Drymalski, Brandon Foster, Josh Foster, Olivia Gamboa, Lana Gomez-Rauw, Chris Gonfiantini, Karly Hand, Kyra Hunsberger, Reiss Jensen, Moriah Jickling, Cameron Jones, Jennifer Merkin, Leah Paquette, Zerick Anthony Patriani, Marcella Peek, Henry Pendleton, Madison Schuster, Eric Spitzer, Austin Whan, Kaylie Baker, Aaron Bauman, Hunter Brown, Kyle Caselli, Colby Daliposon, Teah Escalante, Samantha Fielder, Brooks Garcia, Alexis Jacinto, Rylee Jackson, Andy Johnston, Lara Jones, Kristina Lorenzetti, Jeron Martinez, Jenna Matthews, Alex O'Halloran, Daniel Ohlson, Justine Parra, Max Richman, Peter Rutherford, Cassidy Ruward, Sydney Smyth, Chase Staup, Amelia Suro, Andrew Swackhamer, Isabel Albright, Jean-Gabriel Atlan, Mathew Barnard, Erik Beidle, Alexandra Boyden, Sarah Cooper, Joshua DeGeus, Earl Fegert, Mason Gill, Tristan Gurnea, Alexa Hoops, Lauren Lim, Abigail Murphey, Kyle Rose, Scott Sax, Sarah Smith, Lizzy Stevenson, Megan Story, Nik Swednseid, Alex Tay, Marjorie Williams, Greg Woolsey, Nick Zanchetta, Sophie Ziegler, Rachel Pittman, Tim Garon, and Patrick Lanne; teachers Sonya Campbell, Jackie Borsum, and Karri Woodhead; chaperones Karen Bryan, Wendy Hand,

David Jickling, Tammy Jackson, Char Spoon, Kimberly Richman, Mary Story, Paige Stevenson, and Monique Tay.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Blakemore, Catherine Blakemore, John Blakemore, Jann Van Horn, and Angela Blakemore.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Pontius, Ernie Pontius, Faye Spencer, and Eileen Montgomery.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Nicole Cavenagh, Craig Seiden, Megan Crandy, Alden Grant and Michele Tombari .

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Lehman, Bonnie Deitrich, Kathy Walsh, Karen Ouellette, Bob Ouellette, Skip Garber, Nadine Garber, Stephanie Baeta, Helen Moreno, Frances Jackson, and Eileen Cohen.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, February 26, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 11:44 a.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly