

**THE FORTY-FIFTH DAY**

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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

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



RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That in recognition of her exemplary service to the Legislature, through which she ensured the skillful, timely production of legislation and helped us all learn what craft, dedication and compassion really look like, Kimberly Ann Morgan is hereby added to the Assembly Wall of Distinction.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Ocegüera, Carpenter, Leslie, Hardy, Ohrenschall, Horne, Conklin, and Madam Speaker.

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

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. I rise in support of Assembly Resolution 7. To keep myself on track so I don't ramble all over the place, I have prepared written remarks. It is a difficult topic for me when it is someone as special as Kim Morgan.

Many of our new colleagues here in the Assembly have undoubtedly noticed with awe, as all of us do, the hard work of our professional staff this last couple of weeks—in fact it is ongoing. Those of us who have been here for a while recognize that this high mark was set, to a very large extent, by the individual we honor today, Kim Morgan, who dedicated over 25 years of her life to this institution.

I met Kim as a beginning legislator, not realizing at the time that we shared a common bond. Early on, I was won over by Kim's patience in explaining the bills to me as I asked questions time and time again only to see that sparkle in her eye when she finally hit the mark and I could give it back to her. When the chair of the Judiciary Committee assigned me to explain a complex technical element of the floor amendments that appeared, that is, place text flush to the left, it was Kim who provided me with the explanation of what "flush to the left" really meant.

In those early days, indeed, Kim was a filter who helped simplify and clarify the legislative process for me, and interacting with her was, and is, one of the rarest privileges I have enjoyed as a member of this body. As our system grew more complex, so did Kim's responsibilities, and when we transitioned from the bill books to computers, Kim was critical and crucial in helping the system developer maintain the integrity of the drafting system so the process still worked.

Kim was dedicated to helping legislators craft good laws. She made it her business to ensure that we made the most of the opportunity our constituents had granted us.

Our common bond turned out to be Kim's father, Dick Morgan. He was my good friend and mentor. In my first year of teaching, he had encouraged me to become involved in the professional organization of teaching. His advocacy for education left a lasting impression on me, and it raised the quality of programs available to students and teachers alike throughout our state. Dick Morgan was an advocate for opportunity. But Kim is indeed a reflection of both her parents. Barbara Morgan, whom I met in 1991, has that patient, quiet determination so common among the "steel magnolias" from the South. Like her mother, Kim is patient and determined. She will get the job done, no matter how difficult.

Like her father, who spent most of his adult life in public policy roles, Kim believes in the process. She believes that working within the process and patiently improving it are the means by which we both take advantage of the opportunities we have been offered and help others by providing opportunities to them.

I owe a personal debt of gratitude to Kim for her assistance to me, first as a member, then as co-chair, and finally as chair of the Judiciary Committee. Kim was always available to explain, to share ideas, to point out pitfalls—and to draft, and to draft, and to redraft, and to redraft and to draft yet again bills and amendments until we got it right. Many of my legislative successes I owe in great measure to Kim Morgan, but she shares in none of my legislative missteps. I have managed to do those missteps all by myself.

Having known Kim and her parents now for over a quarter of a century, I can say that they are linked by the common qualities of patience and determination, by the belief that we all must take part in the process if we are to improve it, and by the goal of providing opportunities for us all.

With that, Madam Speaker, I would urge adoption of the resolution.

## ASSEMBLYMAN OCEGUERA:

Thank you, Madam Speaker. I stand in support of A.R. 7. When I first came to the Legislature, I had one and a half years of law school under my belt. You know, after the first year of law school, you kind of think you are pretty smart and know what you are doing, but you really don't know anything. Ms. Morgan was gracious enough to tell me that I did not know anything, without me knowing it. That was pleasant.

I see her as one of the shining examples of a public employee. She was here at all hours of the night, like our current counsel, and whether you were here at 8 a.m. or 2 a.m., you could call her office and talk about issues. That is amazing to me—the hours, time, and dedication. The Speaker and I were standing in the office just a moment ago when Kim came in and the Speaker said, “Boy, you look wonderful.” Kim said, “It is sleep.” Kim, congratulations and thank you for all you have done for the State of Nevada.

## ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. I rise in support of A.R. 7. Kim really helped me out a lot. Sometimes I have a hard time saying what I want to really say. Kim could always straighten it out and make sure that I was saying what I really meant. Kim, thank you for all the help that you have given during the time we were such great friends. As my friend from Sparks said, your father was a great guy, and he and I really got along well. I just want to say we had great times, and you were a great mentor. Thank you for making all those stupid bills I had look okay. Thank you.

## ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. I rise in support of this resolution. The first time I walked into Kim's office when I was a freshman, I think she called for me. I didn't know where Legal was but I found her and I walked in and immediately felt comfortable. It was the first time I had ever met anyone who had a messier desk than me. She's a piler. I am a piler, too, but she is really a piler. I was telling her today that I was always amazed at how any time I was there and I would ask her something, she would dig through her piles and she would come up with a paper. It always gave me hope that I could do that, too.

My best story is a late night I was reminded of. It was one of the special sessions, after my second session, the one on health care and medical malpractice. It was the first time I had been given a huge responsibility to be the one who decided in the middle of the night if an amendment was good enough. For you freshmen who haven't done an all-nighter yet, just wait. I was tired. It was 4 a.m. They sent me down the hall with this amendment and I was standing in that little hallway outside of Legal and some lobbyist rushed by and said, “The Majority Leader of the Senate is sending the Legislative Police after you.” I was like, “What?” I was just standing there reading an amendment. Kim happened to walk by, and I'm sure she doesn't remember this, but she was so calm. “Come into my office. Come into my office. Let's sit down. Let's go through the amendment.” She sat there so patiently. We went through the amendment and I could decide. The Legislative Police had no idea where I was, and I am sure she would never have given me up until I was comfortable with the amendment and could then walk down the hall and confidently say I was comfortable with the amendment and that we could end the session and go home. Thank you for that. Thank you for all the kindness you showed all of us and the patience you that you showed us when we didn't understand the first time, the tenth time, the twentieth time. We miss you.

## ASSEMBLYMAN HARDY:

Thank you, Madam Speaker. I rise in support of A.R. 7. There is a limit to Kim Morgan's patience. I know someone who tested it. And it wasn't until this resolution that I understood what it was, something about “currently pursuing ordination as a priest.” Now, I do not know what you call a woman priest in the Episcopal Church, but it is the appropriate place for this saint. I was in the 2003 Session, which some of you remember with various feelings. Kim—when I was trying to do a bill and get some amendment—emailed me something to the effect of “You are allowed three miracles. You have used two.” I don't know if I ever had to use the third one, but knowing that you are entering an avocation now, may God bless you as you bless others. Thank you, Kim.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker. I rise in support of AR 7. Kim, it is an honor to get to speak to this resolution today honoring you. I think one of the best decisions my stepfather ever made as legislative counsel was to hire a brilliant, young attorney back in 1980. I know my mother got to work with you for 12 years and what a great support you were to her and all her legislation. I am sorry I did not have the privilege to get to work with you on any bills, but I did in a way when I assisted my mother up here. We talked about fine public servants earlier, and I think Kim really is one of the finest public servants who have ever worked in this building. I am proud to speak to this resolution. Thank you, Madam Speaker.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker. I rise in support of A.R. 7. Similar to the Majority Leader, I came to this body right out of law school and was eager to get started and utilize my newfound education. Kim actually paid me a compliment on how organized my BDR request was and what I wanted to do. Eagerly I asked, "Can I get access to Westlaw or Lexis so I can further research and understand what some of this stuff is?" She politely said, "No." I later found out that those types of things you leave to the experts and you let the rest of use muddle through the way we do with your help. I really appreciate that. It is true that she was so patient, and the rest of her staff reflected that. I'll never forget that, it was so funny. At that point when you enter as freshman, you are used to everybody telling you yes, yes, absolutely, and she was no-no we're not going to go there. So thank you, congratulations, and we do miss you.

ASSEMBLYMAN CONKLIN:

Thank you, Madam Speaker. I rise in support of Assembly Resolution 7. I probably won't get this opportunity any other time, so I am going to use it to say thank you to Miss Morgan. Her last session was my first but the Chinese have a philosophical saying, which is "Always remember the well from which you first drank." We have heard a lot of some of the legal help that Kim always gave, but some of the best advice she ever gave me was actually political, which you wouldn't expect to come from LCB. One day in Natural Resources we heard a bill, and there was a fight on the bill between the Attorney General's office and the Wildlife Division. I forget the full name because I have long since removed myself from the Natural Resources Committee. A bill changed one word from "shall" to "must" and I was a freshman and not an attorney, but I was fairly certain that "shall" meant "must." If you look it up in the dictionary, "shall," right on down the line, says "must." I listened, listened, and listened, and I got frustrated and there was a debate—it was like an hour and a half long hearing—and finally when it was all over, I was frustrated and I went down to Ms. Morgan's office and I said, "I don't get it, I didn't come up here to waste my time debating the meaning of the word 'shall' or 'must.' It means the same thing." I was probably looking for an argument. We talked through it and she said, "No, you are right." We went on for a little while and I just didn't get it. I was frustrated. I was completely exhausted and I had no resolution and I was about ready to get up and leave when she leaned over her desk and said, "You know, Mr. Conklin, sometimes we have to tell people we really mean it."

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

With permission of the body, I would like to add a couple of comments. We get spoiled here. We are used to exceptional employees, and there are some whose service ranks the highest—the most exceptional people who give their lives because they support what we do. Kim is one of those. She brought intelligence, compassion, patience of a saint is right—to my good friend the doctor. She would try to impart a lesson without making any of us feel stupid. I remember another aha moment such as the one she taught my good friend, the assistant majority leader. There was a debate between an insurance lobbyist and car lobbyist. I was working with them and it was difficult and it was contentious and they finally reached a resolution. I went to her and I said, "I'm on this subcommittee, and here is the resolution." She said, "That sounds really good, but don't forget the legislative process is not a negotiation between two parties. It is about what is right for the state. Is this right for the state?" "I think so, but maybe I'll come back tomorrow

and I will think about it a little bit more.” It was those pearls of wisdom that she would hand down that made Kim so remarkable. The good news is that Kim is now moving on to another chapter after giving us her entire life for so long. Your lessons are still here. What you have taught the other bill drafters, the other employees, and us we carry on to serve the state we all love. Thank you.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 471—AN ACT relating to real property; providing that a court shall not award a deficiency judgment on the foreclosure of a mortgage or a deed of trust under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 472—AN ACT relating to credit cards; providing that subsequent purchasers of credit card debt may produce certain evidence to collect on the debt; requiring disclosure of certain information to collect credit card debt; requiring certain evidentiary standards to be met before entry of judgment under certain circumstances; 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 the Committee on Corrections, Parole, and Probation:

Assembly Bill No. 473—AN ACT relating to prisons; requiring the Department of Corrections to adopt regulations relating to medical emergencies and the provision of medical and dental services to prisoners; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Corrections, Parole, and Probation.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Larsen.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Morgan, Barbara Morgan, and John Slider.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Speaker Emeritus Joseph Dini and former Chief Clerk Mouryne Dini.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman John Marvel, Willie Marvel, John E. Marvel, Dustin Marvel, Amanda Phelps, Darin Phelps, Michelle Slagle, Dave Slagle, Delaney Slagle, Marsha Grant, Susan Barnes, Harvey Barnes, Mike Marvel, Teresa Marvel, Pete Marvel, Kathy Marvel, Joe Marvel, Dave Goodall, Tim Anderson, Sharon Andreasen, Tom Andreasen, Shari Andreasen, Connie Davis, Patti Adams, Frank Adams, and Y Martin.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hancock.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Sutro Elementary School: Benjamin Anderson, David Anderson, Alexandra Anthis, Jason Anthis, Joseph Anthis, Mariela Arauz, David Avendano, Rodrigo Avila-Gudino, Breanna Benavides, Kirstyn Boling, Colt Bowers, Kyle Boyack, Hallie Branchcomb, Sahara Anne Burns, Danielle Cabrera, Fernando Carrillo Jr., Korey Combs, Skylar Cornwell, Jessica Corona Ayala, Zachary Crawshaw, Carson Crosby, Halen Dessaussois, Grace Dickenson, Jacob Dionne, Mallarie Dominguez, Johana Duenas, Jason Duran, Jack Estrada, Katie Etchegoyhen, Dallas Evans, Sierra Fleming, Zackary Franklin, Kailey Garcia, Cameron George, Samantha Gerhart, Jovani Gomez, Jesse Gonzalez Jr., Miriam Gonzalez, Breanna Greene, Jose Gutierrez Silva, Hannah Harris, Nicholas Hein, Antony Hernandez, Dawson Johnson, Joshua Jukich, Kali Lampshire, Carlos Landa, Christopher Martin, Salvador Martinez Jr., Madison Masching, Sheldon Miller II, Kabrien Oliver, Alexa Ortega Cortes, William Owen, Tuesday Palmer-Rossi, Madison Peters, Hunter Purbaugh, Abirami Ravichandran, Salina Richmond, Delilah Rivera, Jada Robertson, Alexis Russell, Hugo Salcedo, Efrain Salgado-Ibarra Jr., August Scott, Zachary Scott, Devony Sgambati, David Springer, Tyler Starbuck, Kamryn Stevenson, Michelle Torres, Spenser Underwood, Katelin Victor, Curtis Willhite, Maddeson Wilmoth; teachers Sonya Kirby, Susan Novak, and Lauren Garnica.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sheree Rosevear.

On request of Assemblyman Kihuen, the privilege of the floor of the Assembly Chamber for this day was extended to Nathaniel Waugh.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Virgil Getto and Pat Getto.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Glover and Sue Merriwether.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Tucker, John Tucker, Lloyd Backes, Cindy Backes, Leah Chiara, Delaney Sanchez, Cammy Taylor, Nicki McQueary, and Paula Rudolph.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Lexie Arancibia, Meagan Anders, Ryan Underwood, and David Slater.

Assemblyman Oceguela moved that the Assembly adjourn until Thursday, March 19, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 12:33 p.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*