

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 23, 2011

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dick Copeland.

Our Father, we come to You today with grateful hearts to give thanks for this body of men and women who have been elected to represent us in Nevada. We humbly ask You to give them wisdom in every decision they make that affects the people of this great state. May they always take the time to ask for Your guidance as they consider new legislation. May this governing body always maintain and pursue our constitutional rights as they pass laws that will impact all of us. May they have the courage to stand up against anything that would delude, defeat, or infringe upon those rights. Lord, we are here today to recognize and memorialize three people who have been public servants of Nevada.

We remember Marcia de Braga, who served five terms in this Assembly who was dedicated to causes that affected rural Nevada and the small communities. She never forgot the "little people" that she served.

Father, we want to thank You for Mr. Frank Daykin, who served the Nevada Legislature as Legislative Counsel for 23 years. Mr. Daykin was always impartial in writing the laws passed by this Assembly. We ask that You continue to use him in his devotion to public service.

God, we also come to You today to recognize and honor John Carpenter, a man I have known, as he represented District 33 and me, for many years. Thank You for his dedication to the interest and well-being of those he served. Lord, I have always respected him because he always tried to do the right thing for the people in his district. We ask that You will bless him in his future endeavors and continue to use him and his influence in leading the fight to preserve our God-given liberties.

Lord, You said to King Solomon, King of Israel, many years ago, "If My people, who are called by My name, will humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from heaven and I will forgive their sin and heal their land." (II Chronicles 7:14) We pray that our state and our nation will heed the words You spoke to King Solomon. We desperately need Your intervention in the affairs of Nevada and the United States of America. Our land needs to be healed of all the social, political, economic, and moral ailments that plague us. Only You can bring this about through those who are elected to represent us.

We ask all of this in the Name of our Lord and Savior, Jesus Christ.

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.

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time and ordered to third reading.

Assembly Bill No. 200.

Bill read second time and ordered to third reading.

Assembly Bill No. 230.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 23, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 224, 228, 229, 243, 247, 255, 258, 259, 268, 270, 288 and 300.

RICK COMBS
Fiscal Analysis Division

By Assemblymen Ocegüera, Conklin, and Goicoechea:

Assembly Resolution No. 4—Adding former Assemblyman John C. Carpenter 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, Assemblyman John C. Carpenter faithfully served his constituents in Assembly District No. 33 and all Nevadans for 12 regular and 11 special legislative sessions; and

WHEREAS, John Carpenter is a native Nevadan through and through, whose word is gold and whose humor could brighten the darkest legislative debate; and

WHEREAS, The Dean of the Cowboy Caucus worked tirelessly to enlighten his city slicker colleagues in the courageous, moral, humble and honest Cowboy Way; and

WHEREAS, The former Assemblyman from Elko did all in his power to make Nevada safe both for Democracy and, when necessary, from Democracy; and

WHEREAS, This intrepid soul safely piloted his trustworthy vessel, the Suzy Q, through Nevada's treacherous inland waterways from Elko to Carson City every session, inspiring us all; and

WHEREAS, John Carpenter could be counted on to read every line of every bill, to ask the tough questions, and to vote for what was right, not what was easy; and

WHEREAS, Countless legislators regardless of party found a friend, mentor and inspiration in John during the course of his 24 years of legislative service; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman John C. Carpenter is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman John C. Carpenter.

Assemblyman Goicoechea moved the adoption of the resolution.

Remarks by Assemblymen Goicoechea, Kirkpatrick, Stewart, Ohrenschaal, Grady, Horne, Ellison, Munford, and Mr. Speaker.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. I am going to try and follow my notes a little bit so that I do not wander too badly because we have several other resolutions to introduce.

John has been my friend and mentor since I was a little boy. I remember going to Carpenter's ranches all across Nevada.

As a long time member of this body and one of the finest public servants this state has ever seen, John has always been my mentor, and that was whether he was herding sheep, trailing cows, or working legislators in this building, which he did. I think that was evident here just a few minutes ago. While standing in the hall he had ten people bunched up around him. He had a cowboy caucus going. We all know how that works here.

It is fitting to honor Assemblyman Carpenter by placing his name on the Wall of Distinction, not merely for his years of service but for the way he conducted himself. No one ever worked harder than he did and knew the details of every bill like he did. No one has ever been more committed to doing what was right for this state than John Carpenter. I call him "The Man," and we all called him "The Boss" as we had our early morning caucuses. To those of you who have been in this body and worked with John Carpenter, you know what I mean.

It is kind of anticlimactic now that we are talking about putting his name on the Wall of Distinction, when over the years many of us pleaded with Mr. Carpenter to be included in the Cowboy Hall of Fame. For those of you that will not receive that honor, it is unfortunate. I got a little statue here on the corner of my desk that Mr. Carpenter gave to me, "Fandango Pete." You know, when I was inducted, as I look around this room, there are a number of you that have been inducted into the Cowboy Hall of Fame, as well as those who pressed him to answer their pleas of "Oh please, can I get in this year?" He would just say, "You need a little more time."

The Assembly will surely miss his wisdom and his statesmanship. He was always quiet and unpretentious. I will say that. Those who knew, like I did, when he was in the hall—you could always hear the clunk, clunk, clunk of his boots as he came down these halls. We knew John was coming. He always had his little clichés and his cowboy wisdom. "You would never ask your barber if you need a haircut." "The shortest way to get there is traveling with a good friend."

Along those lines, I remember the 2005 Session, after we had been on the floor, I think, about 36 hours. John and I got in my old pickup. We had our stuff loaded in the horse trailer behind it, and we headed for eastern Nevada. He was asleep there in Edward's Creek Valley. He woke up and looked around and told me how good that alpine was. I said, "John, if you knew how sleepy I was, you would not be sleeping." I might have been a good friend, but he was in bad company.

Another tradition of John's was the Suzy Q. Those of us here in this body, along with his able second mate, piloted that craft every session. It was more of a barometer on how the session was going rather than how high the water was in the Humboldt or the Carson River. I always really questioned how he got it from the Humboldt through the Humboldt Sinks, down through Stillwater and back up to Carson. He did manage to float it. That will tell you how he can make water run uphill. There is no doubt about it—the Suzy Q really was his sign to this body of how we needed to work together. That little plastic boat really was a sign that we needed to sink or swim if we were going to get out of there. I am glad to see it back this session.

John, himself, is beloved and admired by me and all of you who served with him. He came to his office here for 22 years. Even the misprint of a ballot in 2002 could not keep him out of these halls. I know I speak for most of you that served here with him, whether you are staff or legislators, how much we miss him. I wished there was a way we could get another misprint and get him back here with us.

With that, I am going to close with the final words that I think you new legislators need to listen to. They continue to ring in my ears from my first session. Mr. Carpenter told me, “Read the damn bill, Pete. That isn’t what it says.”

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

I will echo some of the same comments. A mentor and friend rings true with me, as well. I admired your common sense approach. When we were thinking about who to induct into the Wall of Distinction this time, your name, obviously, rose to the top. I thought what an opportunity to be able to honor you while I was still here. I was very happy to do that.

A funny story about the Cowboy Hall of Fame—I had to lobby Mr. Carpenter to get into the Hall. It was more difficult in the earlier years; now they just let any freshman in, I think. I actually sent Mr. Carpenter a letter from the reigning Miss Rodeo Nevada. It didn’t make any difference. Mr. Carpenter, we are glad to have you back here and congratulations.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Speaker. I am very privileged to stand up here, with Mr. Carpenter being one of our honored guests. My first session as a freshman, it was tough knowing how to even navigate my way through the building. Mr. Carpenter was one who welcomed me into the cowboy breakfast in the morning, because I could get up early, so I managed to get to know him on a different level than some of my other colleagues. I am thankful for the laughs that we had and for the good times. We discussed bills, but most importantly, Mr. Carpenter always said, “Do what is right. Pay attention and let everyone have a voice.” He also reminded me—because I am not technology friendly, as he wasn’t either—that when bills come about, you have to think about the entire state. Being from southern Nevada, I only thought about southern Nevada. Mr. Carpenter reminded me every day that as a state, we have to think about how these bills work together. Mr. Carpenter, I am a much better legislator having known you, and I think that you brought a lot to the institution. I am very thankful for that.

ASSEMBLYMAN STEWART:

Thank you, Mr. Speaker. You made an excellent choice in selecting Mr. John Carpenter. One of the great thrills of my life was to serve with him. I think just looking at his face, John Carpenter is Nevada. I was honored to be put into the Cowboy Hall of Fame with a big class. I am proud to have in my home that proclamation. When you are selected into the Cowboy Hall of Fame, you get a cowboy saying. I revere the saying that he gave me, which is: “Never judge a man until you have walked a mile in his boots. Thereby, you are a mile away from him and you’ve still got his boots.” Thank you, John.

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Speaker. It is really a privilege to get to speak to this resolution. My first two sessions, I lobbied hard for admission into the Cowboy Hall of Fame. Finally, I did get in. I do have a little bone to pick with Mr. Carpenter about my cowboy name. Those of you who were here last year might remember a bill having to do with cattle and certain diseases they get. But I appreciate being a member of the Hall of Fame, nonetheless.

I learned so much from Mr. Carpenter. With my first two terms as an Assemblyman and when I first came up in 1995, when my mother got elected, you can see what a good friend he has been to two generations of Ohrenschalls in the Legislature. What a great legislator he was. Thank you.

ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker. I had the privilege, for a couple of years, to sit right next to John. John is one of a kind. He is probably the only person that has ever served in this Assembly who read every bill. The best thing about that was when they gave us laptops the first year. John used

his probably better than anyone else; he used it to hold his door open. I do not believe he ever even unzipped the case and took it out and put it on his desk. If you wanted to know something that was in a bill, you went to the man and he could tell you what was in it.

I, too, had the honor of being inducted into the Cowboy Hall of Fame. With that, I got to go to a rodeo in Reno with Pete Goicoechea and John Carpenter. If you have not experienced anything like that, there was not a big hat in that rodeo that those two gentlemen did not stop and talk to; they knew them from Elko to Las Vegas to all of our rural areas. Every one of them knew John Carpenter and wanted to talk to him. It was a privilege.

In my former life as a lobbyist, I hated to go to John Carpenter's office because you could not change his mind. And even if you were lucky enough that you would change a "the" to an "a" or something, John would not tell you he was going to change his mind until he pushed the little button to vote. We had a lot of fun in those days since working with John. To me, there is not a person that says Nevada more than John Carpenter. I am glad to have you as my friend. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker. I rise in support of this resolution for Mr. Carpenter. I served four terms with Mr. Carpenter, all of them on the Judiciary Committee. I remember the chairman, Mr. Anderson, saying that nothing is going to move until the CAB was ready to go. The CAB was Carpenter, Anderson, and Buckley. I am thinking, "Buckley, majority leader; Anderson, chairman; and Carpenter?" This was my freshman year. He was looking down from the top row, and I was sitting in the front row and he was just smiling. Sure enough, that was true because of how he conducted himself in the committee and how he always read his bills. He knew the questions to ask. He knew when he was ready to go. And as my colleague from District 38 said, when he made up his mind, his mind was made up. Sometimes it was good old cowboy sense. All of us became really comfortable with that because it kind of did us good. It gave us a good feeling knowing that he was doing what he really believed was right.

There are two other things. The first time someone came to me and said that Carpenter said that he would be okay with the bill if Mr. Horne is okay with it. I took that as a tremendous honor. I had a bill vetoed, and we were going to see if we could override the veto. Mr. Carpenter had voted in favor of this bill. Of course, I was working up the votes so we could override it. I went to Mr. Carpenter and asked him, "Can I have your vote on the override?" He said, "Well, I was with you from the beginning, and I am still with you." That just spoke volumes.

You are a great man of character. You are greatly missed. You know how I feel about you, Mr. Carpenter. I wish you well in the future.

ASSEMBLYMAN ELLISON:

Thank you, Mr. Speaker. I am here to show respect to ex-state Assemblyman John Carpenter, my friend and my mentor. I can tell you that John still follows all these bills. I can call on him day to day basis if I need to and say, "John, what do you think?" He will still give you the answer. I could never fill John's shoes, but I can tell you, if I could just stay in the shadows and be a piece of what he is, I will be a better man. If you ever had to have something passed, you never went to John; you went to Roseanne, because that's where it is going to be done. So John, this is your day. As your friend, I hope you enjoy it because you deserve it and you earned it. You belong with the people in these hallways. Thank you.

ASSEMBLYMAN MUNFORD:

Thank you, Mr. Speaker. I also would like to congratulate Mr. Carpenter. I served with him three terms, and he finally inducted me into the Cowboy Hall of Fame. I am not a cowboy, though. But I had to convince him that I had some connections to being a cowboy. I had to show him pictures that I do own horses. He said, "Oh well, that qualifies you." He asked me, "How big are your horses?" I said, "They are pretty big." And if you know the way they

measure horses, my horses are all at least 17 hands high. Seventeen hands is—the back is that of about a six-foot tall person.

I always remember John when he would come in the door, he was sitting right there. I always went into his candy jar; I always had some candy. He would always turn around when I was sitting there. “How did you vote on that bill? You have to vote this way. You have to vote that way.” But he was very inspiring, and I really enjoyed working with him. I wish him the best of luck. I am going to get up to Elko one day and visit you. I keep telling you I am coming up. I tell my colleague from District 33 that I am coming up, too, but I will be up there one day. Thank you.

Resolution adopted unanimously.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:36 a.m.

REMARKS FROM THE FLOOR

FORMER ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. This probably will be my last time to speak in this Assembly. I certainly appreciate all those kind remarks. I probably don't really deserve them, the same way that I probably do not deserve to be on the Wall of Distinction with all my great friends like Speaker Dini, Virgil Getto, and my special friend, John Marvel. But if people are going to give me this award, I am going to take it.

I am probably the only guy that gave 12 farewell speeches in this body because I was sure I was not going to come back for any of those 12 times. But I did. But with all those special sessions, I probably gave more than 12 farewell speeches.

It is because of my great wife that I was able to be here for all those years. She stayed home and took care of the family and the business. Roseann has had a hard time these last three or four years. She has had I don't know how many operations. But she can walk, and that's the greatest joy of my life, to see my wife able to walk again.

Sitting behind me are my three daughters and over there is a bunch of my grandkids. I am not going to attempt to name them because the last time they were here, heck, I forgot half their names. When you have as many kids and grandkids as I do, it is kind of hard to remember them all.

I have great memories of being here in the Assembly. I really do not remember how I got the Suzy Q, but about the first session I was here, or the second session, Vivian Freeman was the chair, I think, of Natural Resources. They were going to redo all of these boat bills and all these boat regulations. For whatever reason, she named this cowboy out of Elko—and the only thing I like about water is in an irrigation ditch or a glass—but she made me chairman of this subcommittee to redo all of the boat bills. We went all over the state and talked to people who really knew something about boats and water. We came up with a pretty good plan. I think it sailed through the legislature and that's the reason we have so many of these boat bills that you all keep amending all the time. Anyway, they gave me the Suzy Q—somebody did, Donna probably remembers. Incidentally, Donna was my secretary for I think a hundred years, right, Donna? But anyway, I got the Suzy Q. So every year I had to bring the Suzy Q to the Legislature, and we had to think of some way to get it down here from Elko because it was always on dry land. It was fun.

We had really a lot of fun with the Cowboy Hall of Fame. My good friend Wendell Williams and I were the ones that started the Cowboy Hall of Fame. Then Terry Sullivan took over and helped me. We always had Steve Watson to help us with all of those sayings. Everyone wanted to get into the Cowboy Hall of Fame. Sometimes, you know, maybe you could not get a bill

through, but they were not going to get in the Cowboy Hall of Fame unless they voted for it. That is kind of what happened.

I do appreciate all the great moments that I have had in this Legislature. I tell people that if you pay attention in the Legislature, you are going to get the greatest education anyone in the world could get. We have some of the smartest people, certainly in the state of Nevada, and very often, in these United States, come and testify. You need to pay attention to them, whether you agree with them or not, because you will learn something. I really appreciate the education that I have had.

I want to thank everyone for your hospitality. I never did know Pete being a little guy. Thank you, Mr. Speaker, and I wish the Assembly and the rest of the Legislature luck. Hopefully, you do not have to go to too much of a special session. You got to get out of this outfit. Thank you very much. I do appreciate it.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Ocegüera, Conklin, and Goicoechea:

Assembly Resolution No. 5—adding former Assemblyman Marcia de Braga 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 Marcia de Braga; and

WHEREAS, Marcia de Braga served Nevada and the constituents of Assembly District 35 with unwavering integrity, courage, and good humor for five regular and two special legislative sessions; and

WHEREAS, Mrs. de Braga was instrumental in securing funding to study the causes of Fallon's deadly leukemia cluster; and

WHEREAS, Assemblyman de Braga served as an inspiration to all women through her conviction that, "to wish to be equal to men would show a lack of ambition"; and

WHEREAS, Marcia de Braga's name will forever be associated with the preservation of water rights crucial to agriculture in rural Nevada; and

WHEREAS, The Silver State International Rodeo in Fallon, which recently celebrated its 25th anniversary, owes its start to Marcia de Braga; and

WHEREAS, This proud mother of four treated all children as if they were her own and fought for them throughout her life; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman Marcia de Braga is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of former Assemblyman Marcia de Braga.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblymen Smith, Goicoechea, Ohrenschall, Grady, and Mr. Speaker.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

I very much appreciate the honor of talking about my former colleague, Marcia de Braga, today. The Speaker and I are the two members in this house who served with Assemblywoman de Braga. It was quite the experience—quite a trip serving with her.

I want to tell you a little bit about Marcia's past. I was surprised to learn that she was actually born in Los Angeles, California. She moved to Fallon when she was in eighth grade and lived there the rest of her life. She married her husband, Lyle, and they were married in 1955. They had a long and wonderful life together.

She was incredibly well respected in our midst as someone who was so caring and hard working. You heard in the resolution that she and Lyle were responsible for many activities in their local community, including starting the Silver State Rodeo, which was an opportunity for those who didn't make it to the Nationals to have another opportunity to compete. It has been a great thing in that community, and it's a cultural and economic boost to them as well. She did an impressive 21 years as the secretary of the Nevada High School Rodeo. We all know how hard that is to fulfill those positions for even a few years, but 21 years is amazing.

She was always recognized for her tenacity and her frankness and her ability to get things done. The leukemia cluster was mentioned, and that is a distant memory for many people. I was serving with her when the state was going through that, and what she did to stand up for her community and what she brought to that community was really very commendable.

She chaired the Natural Resources, Agriculture, and Mining Committee and during her time was a tireless defender of rural Nevadans' water rights. In fact, the legislation that she worked very hard to pass affirmed the long-standing interpretation of water right priority. The bill that she championed settled decades of infighting amongst water users about water rights. Those are the kinds of things that Assemblywoman de Braga did that really are a legacy and will be known in this state for a very long time.

She had an amazing sense of humor, which I will share with you in a minute. She was a writer. She always championed women's issues. She was an advocate for public broadcasting and concerns about radio and television programming being limited in rural Nevada.

She was an amazing writer and outside of the Legislature, she spent a lot of time writing. She authored the book *Dig No Graves*, which is a Churchill County history. She also wrote for the *Lahontan Valley News*. Marcia passed away on March 24, 2010, in Fallon in the area she loved, and, of course, with her very loving family. I was so honored to serve with her because of the role model she was. She was a role model and mentor as a woman, but also as a Nevadan.

I mentioned her humor and her ability to write. Mr. Speaker, if you will indulge me. When the E. Clampus group was here a few weeks ago, I was instantly taken back to when they visited during the session I served with Marcia. I wanted to read to you a little bit about her response to the resolution honoring E. Clampus Vitus.

Mr. Speaker, to you and through you to this honorable body. I join many of the members of the Nevada Assembly Women's Caucus who sadly must rise in opposition to ACR 13. Every odd-numbered year, a resolution supporting E Clampus Vitus comes before the Assembly. It asks us to endorse an ancient and mystical order that has at its philosophical core the Goldwater Theorum regarding God-given rights. We have looked for some redeeming social value in the Clampers' resolution that would enable us to support it, but we were not successful. Instead, we have come to the conclusion, Mr. Speaker, that their reality check bounced.

Proponents would try to make us believe that compassion, education, and the preservation of history are the principles this society was founded on and upholds. We submit to you that the facts are these:

E Clampus Vitus was started prior to 1800 and has existed in some form or another ever since, allegedly for the purpose of protecting “widders and orphans,” but, preferably, widders.

Clampers’ interest in education seldom goes beyond periodic research on why “lite” beer weighs the same as regular beer.

They are patrons of sports, literature, and the arts, favoring anything with one ball, two folds, or three stooges.

All members have standing of equal indignity, but, obviously, some members are more equal and/or indignant than others.

Within their own organization is a strong support group to help Clampers in times of severe difficulty. This is vital to their safety because, following the regular meetings, very few of them can remember the number for 911.

The history of E Clampus Vitus is shrouded in mystery. Is it a historical drinking society or a drinking historical society? No one knows; the debate continues.

The very name of their club may also have been incorrectly recorded. E Clampus Vitus sounds like a disease—a combination, if you will, of the word for a form of dementia coupled with the word for a form of instability, with which many of its members are, from time to time, afflicted. No one knows how the disease spread. And, Mr. Speaker, no one wants to know how the disease is spread.

In opposing this resolution, we do so not because we wish to be equal to men—that would show a lack of ambition. However, in the interest of fairness, we have tried our best to understand men. Like so many other women before us, we failed in that endeavor. Since time immemorial there has only been one woman who actually figured men out, Mr. Speaker, but she died laughing before she could tell anyone.

We’re going to move that all rules be suspended, that reading so far be considered more than enough, that there be no further consideration of this measure and that ACR 13 be immediately concurrently referred to Health and Human Services, NatRAM, Government Affairs, and the Ways and Means Committees in some other state; however, on further reflection, we’re certain the bill would pass notwithstanding our objection. So instead, we are discussing forming our own counter-organization of E Clampus Superioritus whose members will be known as “Lady Bugs.” And as soon as we decide what it is we want to protect, we will pursue that.

That, Mr. Speaker, was just a very small example of Marcia’s humor and her ability always to talk to us in an eloquent and clever form to help us get through many days. I am sorry the state no longer has her wit and her wisdom and the mentoring that she was able to provide to so many of us.

Marcia was a mom; she was a wife; she was a rancher; she was a writer; and in our midst, she was a very, very, capable legislator. Most of all, she was our friend and she was a friend to all Nevadans.

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

I grew up in Fallon. Assemblywoman de Braga was Fallon's representative, and for one term, I was very fortunate to be able to serve with her and learn from her. She left a real lasting impression on all of us who served with her. I think she left a lasting impression not only on her district in Fallon, but a lasting impression on the state. Her contributions will live on for generations, and that is why she was chosen today to be honored on our Wall of Distinction.

She was tenacious for fighting for what she believed in. There are a lot of tenacious legislators in this building, but there is also something to being effective, and she was very effective at what she did, as well. You just have to look at her long list of accomplishments to know that she was both. As a young man growing up in Fallon, I admired her and appreciated her contributions to our community and to our state. Now I respect, in her memory, the long years of service and all that she did.

I hope we all draw some strength and wisdom from her example as we work through this legislative session and beyond. Now that she is up on that wall, with us, watching us as we walk into this Chamber every day, we will hopefully do what she would want us to do—and do the right thing.

ASSEMBLYMAN GOICOECHEA:

I rise in support of A.R. 5. You know, it is rather difficult—I replaced Marcia in representing Assembly District 35. I have tried very hard to continue her work in representing rural Nevada and those issues out there. I can only thank her for A.B. 380, the bill that did settle a lot of those issues on the Truckee and the Lahontan Valley.

I remember Marcia all those years with high school rodeo when she was secretary and, of course, Lyle and all of the family. We thank her for her contributions to the Silver State Rodeo.

I do try to continue her work, but I know in no way it compares. As I walk these halls, I think of her every day, and I hope that in some ways she is telling me that I am doing at least an adequate job.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Resolution 5. I didn't get to serve with Assemblyman de Braga, but I did get to spend a lot of time with her. She and my mother served together, and there was a group of female legislators who were a little clique, or they hung out together. It was my Mom, Assemblyman de Braga, Assemblywoman Vonne Chowning, and Assemblywoman Gene Segerblom. They would always car pool together, and I got to know Marcia very well.

I think I admire most the fact that she wouldn't let anybody intimidate her. She had a lot of courage, whether it was on the water issue or anything else. One vote I remember here in the Assembly: There was a very popular anti-crime bill, I think it was in the mid-nineties, and it was a nearly unanimous vote, but she voted against it and went on the record here on the floor of the Assembly and stated that because that bill included capital punishment, she couldn't support it. It was a good bill otherwise, but because of her beliefs, she couldn't support it. I had a feeling there might have been some other members who might have felt the same way but didn't have the courage to get up and vote "no" on that bill. I urge the adoption of this resolution.

ASSEMBLYMAN GRADY:

I had the privilege of meeting Marcia and Lyle when I lived in Fallon for about five years and saw the work that they both did from Stillwater to Lahontan. They did a great deal for Churchill County and the rest of rural Nevada. I was somewhat involved when Joe Dini and Marcia worked on water bills. I can still remember the day they had the press conference with Senator Reid to announce that they were successful in their negotiations on that water bill.

I guess what I am most impressed with today is that we honor Marcia, John, and Mr. Daykin. If you will look at that wall of fame and you look at Joe Dini, Mouryne Dini, John Marvel, Virgil Getto, John Carpenter, and Marcia de Braga, it shows that rural Nevada sends some pretty good people to this house, and for that, I thank rural Nevada.

Resolution adopted unanimously.

By Assemblymen Ocegüera, Conklin, and Goicoechea:

Assembly Resolution No. 6—Adding former Legislative Counsel Frank W. Daykin 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 Nevada Assembly wishes to add to its Wall of Distinction those past staff members of the Legislative Counsel Bureau who are selected by leadership to be acknowledged for their exemplary service; and

WHEREAS, Frank W. Daykin volunteered with the United States Army in World War II and served bravely in both North Africa and Europe before returning home to take up his legal studies; and

WHEREAS, Frank Daykin joined the Legislative Counsel Bureau in 1963 and continued to serve the Legislature with integrity and diligence for over two decades; and

WHEREAS, Mr. Daykin's work has been called "the thread that wound together volume after volume of the bulky *Nevada Revised Statutes*"; and

WHEREAS, A great many more Nevadans understand the difference between "shall" and "must" than would if not for Frank Daykin's insistence on using the terms accurately; and

WHEREAS, Frank Daykin's tenure with the Legislative Counsel Bureau included 12 years as Legislative Counsel; and

WHEREAS, The National Conference of Commissioners on Uniform State Laws has awarded Mr. Daykin lifelong membership in recognition of his excellent work for that body; and

WHEREAS, Nevada owes a great deal of the clarity, precision, and consistency of its laws to Frank Daykin; and

WHEREAS, Mr. Daykin can take pride in having helped create what Senator William J. Raggio has called "one of the most effective, concise and correct" systems of "lawmaking and legislation in the country"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That former Legislative Counsel Frank W. Daykin is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Daykin.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Smith, Horne, and Mr. Speaker.

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

ASSEMBLYMAN OHRENSCHALL:

This is a very special day for me. Frank has made a tremendous contribution to the state of Nevada with his service in the Legislative Counsel Bureau. Personally—as you all know, Frank is my stepfather and it is great to see him honored.

I first met Frank—I think it was 1978—I was six years old. He and my mom stayed friends after she had worked for him here at the Legislative Counsel Bureau as a deputy. I got to meet him and I remember being impressed by his kindness. I don't think I understood much else back then, but later on I did come to learn more about him and what he contributed to the state.

I remember being here at the Legislature in the 1990s and hearing former Assemblywoman Dawn Gibbons and former state Senator Joe Neal refer to "Daykinisms," and how there was a big difference between a "shall" and a "must" in the *Nevada Revised Statutes*; and how, when Frank Daykin was the Legislative Counsel, he wanted to make sure that when a legislator intended a particular purpose with a statute, that that purpose was achieved and there was as little ambiguity as possible. I think it was then when I started to realize the contribution that Frank made to the Nevada Legislature and to the people of this state.

I actually have some comments that some people have given to me here. State Senator Raggio once said that “Frank Daykin can be called the father of the modern legislative process in our state.”

A comment by Bob Erikson, who is the former director of the Research Division and now works part-time for the LCB in Las Vegas. When he first started working for the Legislative Counsel Bureau in 1979, he once needed some legal guidance from Frank concerning his work with a legislative standing committee. “I remember that Frank invited me into his office so we could discuss the matter. After I was seated, I asked if the chair of the Natural Resources Committee was required to take public comment at all meetings. Frank quickly responded, something like this: “Mr. Erikson,” and Mr. Erikson did his best Frank Daykin imitation here. “A chair is an item of furniture in which one would sit. The presiding officer of a committee is its chairman.” Frank was a stickler for proper grammar and frowned on the more casual or trendy use of the English language. Excuse me, but I fear I just used two of the words that Frank would not like—“stickler” and “trendy.” Seriously, Frank worked diligently over the years to ensure proper use of the English language. The quality he advocated is still reflected today in the *Nevada Revised Statutes* and other important legal documents.

I have a comment here from former state Senator Coe Swobe, who comments that in 1969, Frank wrote the legislation that created the Tahoe Regional Planning Agency, but Senator Swobe ended up taking the credit.

Our current Research director, Don Williams, sent me this comment: “When I first started at the Legislative Counsel Bureau as a senior research analyst in 1982, I recall calling the Legal Division with a question. A few minutes later, Frank appeared at my office door to let me know that I could call him directly or come down to his office to visit with him whenever I had a question. Frank was always accessible to me here at the Legislative Counsel Bureau.”

One entertaining story that has been told to me goes back to the days before this building was built when the Legislative Counsel Bureau was over there under the silver dome. A bat had somehow gotten into the Legislative Counsel Bureau. Frank, besides being an attorney, is also a farmer and an agriculturist. Everyone there at the State Capitol was terrified of this bat flying around the building terrorizing everyone. Frank is the only one who had no fear to go and catch that bat. For a period there, I understand they called him “Batman.”

I think the nicest comment I received was from one of the deputies that Frank hired. Back in 1980, Frank hired three deputy legislative counsels here—Brenda Erdoes, Kim Morgan, and Jan Needham. Between Frank and the deputies he hired, what a great effect they have had on our state. Kim Morgan was not able to attend today, but she sent me this message: “What I think might be interesting is to help modern thinkers remember that the early drafting during Frank’s time was cut and paste by hand—no computers. It looked to the untrained eye like Frank was cutting out paper dolls. We actually took the pages from the *Nevada Revised Statutes* books and cut the sections out and taped them to a page from a legal tablet and then wrote on them for the typist to create the actual pages of the bills. No computers, no spell check, no electronic data bases. Frank’s mind was his own spell check; Frank’s mind was his own data base search. Bill drafting is an art and a specialty. It is difficult with the aid of computers nowadays, but it was close to magic without computers back when Frank was Legislative Counsel. My schedule will not allow me to attend today’s ceremony. Please give my best to your family. I appreciate that Frank saw the potential in me as a college student to invite me to come learn from him the fundamentals of what turned out to be a 25-year career for me. Kim Morgan.”

Furthermore, I think these statements all attest to how much Frank is loved.

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

I think this is a great tradition that we have started of not only honoring the legislators, but honoring those who are our very professional staff that make us look as good as we do. I know the folks that are honored today would not have been able to accomplish the things they had

without a very professional and capable staff. I will just add a comment. I look back, and it was 25 years ago that you retired from the Legislative Counsel Bureau. Your contribution is not only noted, but people talk about things you accomplished still 25 years later. I think that is absolutely a tribute to what you have done in this Legislature. Thank you.

ASSEMBLYWOMAN SMITH:

I rise in support of Assembly Resolution 6. I decided at the last minute to speak in favor of this resolution because I felt I wanted to do so on behalf of my father-in-law, who was a small miner and a citizen lobbyist for several years here when Mr. Daykin was serving in this building. I come at this from the perspective of a citizen who felt that he always had access to Frank Daykin and always was able to seek advice and help on the issues he worked on.

I can remember long after Mr. Daykin retired and my father-in-law would come to visit. He often wanted to go visit Mr. Daykin to see how he was doing and check in with him about some of the things that they had discussed many years before. My father-in-law passed away a couple of years ago. Literally up until that time, he mentioned Frank Daykin on a very regular basis. I want the body to realize the lasting effects that both legislators and staff have on the citizens of this state. This is a very fitting example.

ASSEMBLYMAN HORNE:

I rise in support of the resolution. I want to inform everybody that you have just heard a small part of what Mr. Daykin has done for the state of Nevada. That work has not ceased because he is gone. He is also a Uniform Law Commissioner, and his reputation precedes him even there. When I have traveled to these commission meetings in different parts of the country, when they first met me and knew I was from here, the first thing they asked was "Do you know Frank Daykin?" They have stories abound of how impressive he is. He is still contributing, not only for the state of Nevada but—those of you who sit on Judiciary know that uniform laws also affect the rest of the nation. I thank you for your service to Nevada in the past and also for the work you continue to do today. You have made this legislative body what it is today.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 43; Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from I Can Do Anything Charter High School: Sarah Alcorn, Cambria Allen, Valerie Armstrong, Cali Campos, Tyler Comoletti, Arlyn De Leon, Dillon Diebler, Richard Fortner, Jennifer Hernandez, Juan Hernandez, Chris Higgins, Austin Hueberger, Kevin Hueberger, JJ Jarrett, Beau Krauche, Steven-Christian Melvin, Alex Mendoza, Richard Mendoza, Johnathan Menektos, Julianna Morales, Mason O'Brien, Jessica Ochoa, Jason Orellana, Mercedes Ortiz, Mandi Reeve, Ryan Reilly, Shelby Rockers, Janea Sargent, Erica Utzat, Jared Walker, Mickael Wheelock, Teneka Williams, and Maria Woods.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Rocha.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Deforest, Sidney Hines, Jewel Sertic, Anne Sertic, Don Ayarbe, R. Jeff Williams, Dessa K. Williams, and Robert Stokes.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to John Carpenter, Rosann Carpenter, Elizabeth Carpenter, Lois Carpenter, Linda Meo, and Donna Hancock.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Mindy Nybee, Stephanie Meo, Timothy Meo, Christina Deforest, and Scott Wilson.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Camilla Michaelson and Christina Klausholm.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Johnson and Richard Schneider.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Coe Swobe, George Flint, Amy Flint, John Papageorge, Pamela Papageorge, Jamie Stetson, Veronica Harmon, former Assemblyman Roy Neighbors, Nancy Neighbors, Philip Daykin, Tyler Daykin, Linda Nagy Daykin, Pat Hutson, Charles Springer, Jacque Springer, Nancy Price, former Assemblyman Bob Price, former Senator Bill Raggio, Dale Raggio, Bob Cashell, Patsy Weaver, Frank Daykin, and former Assemblywoman Genie Ohrenschall Daykin.

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

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Ivey and Robert Wesley.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Tiana Bowlen, Travis Bowlen, Kathy Gonzalez, Keith Weaver, Bob Johnston, Gay Johnston, Tom Blankenship, Janet Blankenship, Deanna Terrell, John Hannifin, Starlene Hannifin, Lyle de Braga, Lael Casey, Jaime Dellera,

Joe Deller, Joe de Braga, Angie de Braga, Mitzi Corkill, Bruce Corkill, Susie Pandolfo, Harold Weaver, Licia Rogne, Virgil Getto, Patty Getto, Patsy Weaver, Truman Casey, Nyla Howell, Dusty Casey, Amanda Casey, and Donna Pressey.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, March 24, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly