

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 3, 2009

Assembly called to order at 11:18 a.m. in the old Assembly Chamber in the historic Capitol Building.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Kochsmeier.

Gracious God, No one knows us as You do. How grateful we can be for this. Even more, we are grateful that in Your knowledge of us, You love us beyond our imagining. You delight in us as Your creation. You have created us for relationship with Yourself. You call us into relationship with one another as a reflection of this gift. You have created us for community. We are here today to care for Your community. You have entrusted the needs of the people of Nevada to these leaders. It is an awesome task. We pray that You would equip each of them today to do Your will. We ask that each of them would have a sense of Your special anointing—that they would know that You have chosen them for the work You have for them to do for You. Strengthen them, encourage them, give them conviction for the truth and openness to Your leading. Direct this session as we meet in this historic setting. Let all that takes place be pleasing in Your sight. We pray humbly and gratefully, seeking Your face.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera 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 Health and Human Services, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 69, 73, 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

COMMUNICATIONS

SUPREME COURT OF NEVADA
JAMES W. HARDESTY, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4702

February 25, 2009

SENATOR STEVEN A. HORSFORD, SPEAKER BARBARA E. BUCKLEY, Nevada Legislature,
Legislative Building, 401 S. Carson Street, Carson City, NV 89701-4747

RE: State of the Judiciary Address—2009 Legislative Session

DEAR SENATOR HORSFORD AND SPEAKER BUCKLEY:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Supreme Court in 2009, to address a joint session of the Legislature on the State of the Judiciary on March 24, 2009, at 12 p.m. The court is hosting its annual reception for legislators at 5 p.m. that evening.

Your joint consideration of this matter would be much appreciated.

Sincerely,
JAMES W. HARDESTY
Chief Justice

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 3, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 146.

GARY GHIGGERI
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Pierce, Atkinson, Buckley, Hogan, Kihuen, Kirkpatrick, Leslie, Munford, Ocegüera, and Segerblom:

Assembly Bill No. 225—AN ACT relating to county fire departments; requiring a board of county commissioners that creates a district for a fire department to adopt an ordinance requiring the imposition and collection of fees for the transportation of sick or injured persons by the department to a medical facility; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goicoechea and Grady; Senators Amodei, McGinness, and Rhoads (by request):

Assembly Bill No. 226—AN ACT relating to irrigation districts; revising limits on indebtedness and assessments of irrigation districts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 227—AN ACT relating to public welfare; requiring licensure of certain agencies that provide services relating to the placement of children in foster care; requiring licensure of treatment foster homes; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Settelmeyer, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Gustavson, Stewart, and Woodbury; Senators Hardy and McGinness:

Assembly Bill No. 228—AN ACT relating to prisoners; revising the provisions relating to the diet of prisoners; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ocegüera, Conklin, Aizley, Atkinson, Bobzien, Dondero Loop, Hogan, Kihuen, Manendo, McClain, Mortenson, Pierce, Segerblom, and Spiegel; Senator Parks:

Assembly Bill No. 229—AN ACT relating to cigarettes; setting forth the testing requirements and performance standard for fire safety for cigarettes sold or offered for sale in this State; requiring a manufacturer of cigarettes to submit a written certification to the State Fire Marshal concerning the cigarettes that the manufacturer intends to sell in this State; imposing a fee for each cigarette listed in a certification; requiring packages of cigarettes to be marked to indicate compliance of the cigarettes with the testing requirements and performance standard; imposing civil penalties for various violations; creating the Cigarette Fire Safety Standard and Firefighter Protection Fund in the State Treasury; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 27

Bill read third time.

Remarks by Assemblymen Kihuen and Anderson.

Roll call on Assembly Bill No. 27:

YEAS—42.

NAYS—None.

Assembly Bill No. 27 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132

Bill read third time.

Remarks by Assemblymen Conklin, Horne, and Madam Speaker.

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

ASSEMBLYMAN CONKLIN:

Thank you, Madam Speaker. Assembly Bill 132 clarifies that in an action for forcible or unlawful entry or detention of real property, actual damages include damages to real property and personal property.

The esteemed Judiciary Committee heard testimony about the Supreme Court's hearing on *Countrywide Home Loans v. Thitchener*. This is a case in which Countrywide Home Loans took over a property in foreclosure that in fact was not in default, and in the process, accidentally sold off some personal property of the rightful owner of the home. As it went to the Supreme Court, the Supreme Court determined that it could not differentiate, by statute, between damages to real property and personal property, found the statute ambiguous, and ruled only in the case of the real property—the home, the damage to the home—and left out of the suit things like a wedding dress, wedding photos, military awards, including medals—a lot of personal property that got sold off—that the family was never able to get back. This bill fixes what I would consider a severe injustice in the law by separating out and including in the statute both real property and personal property taken either forcibly or through unlawful entry or detention. Madam Speaker, I urge passage.

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

I have a question. Assemblyman Conklin, by defining actual damages in this manner, we're not precluding damages for things, such as if you are illegally evicted and you incur hotel costs, or other damages? They are still included even though they are not damages to your real property or personal property?

ASSEMBLYMAN CONKLIN:

Madam Speaker, I do not believe so. I am not an attorney, and my colleague may be able to better answer this. As I understand it, this is exclusive to the taking of the property—the property itself and anything in it—and not to do with any additional damages associated with not having access to that facility. In the particular *Thitchener* case, as it turned out, they were away from the home at the time, so they had another place to live. They were actually out of state at the time—it is a military family—but they were intending to come back. All their belongings were in the home. In this particular case, that was not an issue, but I certainly would defer to my colleague if a better answer is necessary.

ASSEMBLYMAN HORNE:

Madam Speaker, that question was not posed during the committee. However, this bill does not preclude other remedies in going forward for similar circumstances to your scenario or where a home is wrongfully taken in foreclosure and the personal property is also sold off or discarded. This bill doesn't preclude other remedies, such as you described in incurring hotel costs—let's say they are gone on vacation and they return to no home. They would still have that cause of action in a court of law.

Roll call on Assembly Bill No. 132:

YEAS—42.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

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

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

Welcome to this historic occasion. It is with a feeling of awe, I think, that most of us walk into the Assembly Chamber every day. What an incredible honor it is to come to the seat of democracy and back to our very beginnings. I think most of us, at one time or another, is suddenly taken aback by the awe, by the responsibility, and by the opportunities we've been given by the people in our district to do the best that we can to serve them. So we step back in time to recognize that this is an honor that has been passed down, that this is the best example of representative democracy, and to think a little bit about those whose footsteps we follow.

We are very pleased today to kick off our floor session in the old Assembly Chamber with a few words by our esteemed former archivist, Mr. Guy Rocha.

FORMER NEVADA STATE ARCHIVIST GUY ROCHA:

This is an auspicious occasion. You probably do not know, but the gentleman who gave the invocation—our Presbyterian minister here in Carson City—and I went to San Diego State together. We were working on our history degrees—his Bachelor's degree, my Master's degree—in the mid-1970s. Thank you, Madam Speaker, for bringing us back together, whoever is responsible for that. We even found ourselves somewhat challenged in working together on a project that resulted in the expansion of that wonderful church. We saved the part of the church that Orion Clemens was associated with as a trustee. Samuel Clemens, or "Mark Twain," gave a speech in order to raise enough money to finish that church. It is one of the few buildings left that has an association with Mark Twain. Bruce, it is good to be together after 35 years in this setting.

I had a homework assignment from our Assembly majority whip. It has been an adventure. I want to walk over here to the east door, which used to be a window, and I am going to give my initial presentation from there.

I chose this location because the "Mesquite Mosquito" has something to do with this door, which used to be a window but is now a door because of the renovation of this building in the late 1970s and early 1980s and the seismic retrofit. The Mesquite Mosquito—how many people have heard of that, since Senator Reid brought it to everyone's attention?

The late *Las Vegas Sun* reporter and columnist Bryn Armstrong gave Assemblyman Bryan K. Hafen the name Mesquite Mosquito after Hafen darted out the east window of this Chamber during the 1969 Legislative Session during a call of the house. He was up here by the door someplace, which was the exit point. Now, you know, it was 40 years ago, so I decided to call Bryan K. Hafen. I found him and he is still alive. He is living in Mesquite. He did admit to the act on impulse. He wanted to get the attention of his peers by exiting this building through that open window and down the fire escape. He showed up again at the bar of the Assembly, assisted by the Sergeant-at-arms. According to Joe Dini, a call of the house found him hanging out with Paul Laxalt, who was Governor at the time.

What is interesting here is that Bryan Hafen disagrees with Harry Reid that the controversial vote was on an abortion bill. U.S. Senate Majority Leader Reid makes that particular claim in his recent book, *The Good Fight*. Bryan Hafen says the bill related to raising the sales tax in Clark County. "I should know," he said. "I was there and voted on the bill."

Richard H. Bryan, our former esteemed Senator, Governor, and Attorney General, and serving in this Legislature as an Assemblyman in 1969, witnessed the flight of the Mesquite Mosquito. He said it was that “greyhound dog racing bill,” but he wasn’t sure.

Tim Hafen, Bryan Hafen’s brother, who served as a fellow member of the Assembly in 1969—Bryan Hafen sat over here by the window and Tim Hafen said he sat over there on the other side of the room—said, “Well, I recall it being an abortion bill, but I am not sure. But there was a folding chair, when that was a window.” Tim Hafen said as his brother mounted that chair, it crashed, and everybody saw him trying to scramble out the window.

I looked in the book and tried to find out who else was there, who else remembers. We do have a woman here today sitting at the Front Desk who was witness to that. Don Mello, who now lives in Dayton, thought it was the abortion bill. When I talked to Joe Dini this morning, who served in the same session in 1969, he said, “That’s what I think it was.” So, that makes the vote four for the abortion bill, one for the dog racing bill, and one for the Clark County sales tax bill. And there’s a vote for the abortion bill right here by Jeanne Douglass, who is sitting at the far left of the front table.

Unfortunately, the 1969 legislative record—let me get this in as an advertisement—is not clear as to which bill led to the flight of the Mesquite Mosquito. This happened 40 years ago, and we cannot definitively figure this out. I read all Bryn Armstrong’s Sunday *Las Vegas Sun* columns from the 1969 Legislative Session on microfilm over at the State Library and Archives and found no mention of the incident. Presumably Bryn Armstrong gave this information in a news report and news story, but not in one of his columns. That would have taken reading every day, virtually, and I couldn’t do that. Here is what this experience told me. Memory can and does fail us all with the passage of time, but I think today you all will remember that there was an Assemblyman from Nevada in 1969 who unceremoniously was called the Mesquite Mosquito. Madam Assembly Majority Whip, I have met my homework assignment.

What I wanted to share with you today, and what I thought would be appropriate is the Great Depression in Nevada. I thought, “Why not?” Let’s be instructive today. Perhaps we can learn something. The one thing we seemingly learn from history is that we do not learn from history. Not that history has all the answers, but how do we know if it can be instructive until we examine the past in light of the present?

Thanks to Assembly Speakers Richard Perkins and Barbara Buckley, this will be the fourth time I have had the distinct honor of regaling you, here in the old Chamber, with stories about what happened in this State Capitol.

The Legislature met in this building from 1871 until 1969, so the Mesquite Mosquito flew out during the last session. If you think this space is small, the Assembly and Senate Chambers were about half this size, until expanded in 1913-14 and first used in the 1915 Regular Session. There were no committee rooms and they didn’t have offices. It was pretty primitive. When the Legislature convened here in 1931, Nevada had by far the smallest population in the nation—91,058 residents according to the recent U.S. Census. Carson City was the smallest state capital with a population of 1, 596. Oh, yes, a very different state, let me tell you.

The country, but not Nevada, was in the throes of the Great Depression. When Republican Governor Fred Balzar’s message to the Legislature was read by the Chief Clerk of the Assembly and the Senate Secretary on January 20, 1931, Nevada was not in the Depression. Governor Balzar did not make the presentation. He did not have to. It is a tradition, but off and on governors have chosen to just submit it, and the message was read to the body. Perhaps it saved money. Let me read Balzar’s message, because I think you will understand where he is coming from. This is January 20, 1931, in this Chamber:

“The existing era of economic depression and industrial unemployment obtained throughout the nation, and to a minor degree within our own state, are facts well known to you and make necessary the most careful consideration of existing conditions before legislation is attempted as a possible remedy. It will therefore be well to thoughtfully examine the reports of all the several state offices, that the exact facts as to the internal condition of our state may be known. Most fortunately, the existing nationwide condition of financial stress is but lightly felt within

our borders. When comparisons are made with conditions prevailing in other states, and this partly due to our solid financial standing and partly to the large federal expenditures which have heretofore been made within the state or those authorized to be made. Deeply as we regret conditions prevailing elsewhere, Nevadans may rejoice, notwithstanding the tremendous decline in our mining industry which approaches total extinction in some quarters, yet the future for the rare metallics as well non-metallics is very good.

The expenditures proposed in connection with the Boulder Canyon Project in Clark County, running into many millions of dollars during the ensuing decade as well as those made at the Naval Ammunition Depot in Mineral County outside Hawthorne, are factors tending to lessen financial distress among our people. These disbursements, added to those authorized by Congress for additional highway construction, give promise that Nevadans can face the future in a most optimistic frame of mind.”

The point is, you were taught the Great Depression affected every place the same. Nevada got into it late. Just like the great recession today—you wouldn’t know it in northeastern Nevada. There are four jurisdictions—Elko, Eureka, Lander, and Humboldt Counties—that are not feeling it in the way the other 13 counties are. It is much more nuanced than you might think, even in the Great Depression. But we are going to feel it.

The 1931 Nevada State Legislature legalized casino gambling after it had been made illegal 21 years earlier, then lowered the residency period for migratory divorces to six weeks to outmaneuver states that had reduced their residency periods to three months. They were trying to get the business—just like legalizing casino gaming and getting the business that Nevada used to have a monopoly on.

With improved highways linking Nevada to neighboring states, the quickie wedding business—with no waiting period as in other states—also grew significantly. In addition, tolerated female prostitution thrived in most communities in Nevada, particularly in the two largest cities, Reno and Las Vegas. Senator Coffin, it was a different era. In can be argued that Nevada’s long-time dependence on taxes derived from its legislated tourist businesses can be traced to the 1930s. What you have inherited as a tax dynamic and an economic dynamic starts here in the 1930s. The Nevada prior to that is the “old” Nevada, the frontier Nevada.

With the continued decline of the mining industry and the state’s agricultural interests in deep debt due to extensive loans, many local banks, particularly in northern Nevada, failed in late 1932. A banking holiday was declared on November 1, 1932, after a run on the banks. Nevada clearly understood what the depths of the Great Depression were when Governor Balzar’s message was read to the Legislature on January 17, 1933, again, in this Chamber:

“In my message to the Legislature of 1927 and again in 1929, stress was placed upon the following statement: ‘The people of Nevada do not want an increase but, on the contrary, expect a reduction in their tax burden.’ Conditions existing at that time justified my comment. During the past three years, economic conditions throughout the nation have grown steadily worse until we have reached the point, in spite of all our efforts, with economical administration of the several departments of state, where it is now apparent that drastic reductions in expenditures must be had if we are to continue to stay on a cash basis, only to the causes which you are all familiar with. The state, our several counties, and many of our cities have been confronted with a serious decline in tax and other revenues, which in some instances almost approach the vanishing point. This diminution of receipts make necessary the careful and serious scrutiny of all appropriations proposed to be made for the State’s purposes during the next two fiscal years. At the very onset of your session, you will be well to consider a material reduction in your number of attachés of your respective bodies below that obtained in the

last legislature and also whether or not it will be possible to complete the work of the session in not to exceed 40 days, thus setting the example for all other departments of an enforced and drastic reduction in the public expenses.

In the budget to be submitted to your honorable bodies in the near future, mark down the revisions of appropriations as will be recommended and wherever possible, all standing appropriations should be wholly eliminated or greatly reduced.”

That is Fred Balzar, from January 17, 1933.

Well, the Legislature did not comply with a material reduction of attachés, and the session lasted the constitutional limit of 60 days—you know that constitutional separation of powers issue.

The 1933 Legislature passed an insurance premium tax but cut the *ad valorem* tax on taxable property, and dramatic cuts were made to the state's budget.

Arguably the worst years for Nevada during the Great Depression were 1932 through 1934.

Now I want to read Richard Kirman, who was the new governor. He was a Democrat while Balzar was a Republican. On January 22, 1935, once again the Senate Secretary and Assembly Clerk read the Governor’s message to the Legislature.

“It is almost unnecessary to state that for the past several years our state and the nation have been suffering from the most terrible depression in our history. Never since the establishment of the government of the United States have so many citizens been unemployed and dependent upon what would be termed “organized public charity.” In industry throughout the nation, there’s been practically a standstill, and only the drastic action taken by Congress and the President during the past two years has prevented a complete collapse of this form of government. This depression and financial industrial stagnation exists not only in America but throughout the world. Many and varied are the causes assigned, but I believe the consensus of considered and best opinion is that the natural letdown from the abnormal condition induced by the World War as well as post-war inflation, staggering unpaid war debts, and the loose practices indulged by the great financial powers of the world are the primary reasons for our present condition. The various relief agencies proposed by Franklin D. Roosevelt and sanctioned by Congress alone have saved America, and the sincere and grateful thanks of our people and our posterity will be recorded due to them, for the courageous manner in which vital problems have been and are being solved. Measures already enacted, as well as others to be proposed, will, it is hoped, prevent a return of such conditions.”

Now, this is where the story gets interesting, and I will tell you why.

Although Nevada received the highest per capita federal dollars associated with New Deal programs and extensive highway construction among the 48 states at the time, the 1935 State Legislature decided some taxes had to be raised.

Following the end of the federal prohibition on alcohol manufacturing and consumption on December 5, 1933, the 1935 Legislature created a liquor tax and licensing fees. The Motor Vehicle Fuel Excise Tax and dealer licensing fees were increased. The *ad valorem* tax on taxable property increased. With the new tax revenues and the growing income from casino gambling, migratory divorce, quickie weddings, an upturn in the mining industry, and the continued infusion of federal dollars, Nevada had a surplus in 1936. Did you know that? That is why you called me here today.

At the same time, Governor Kirman, a long-time banker and conservative Democrat, joined business leaders from across the state in a “One Sound State” campaign. The intent was to draw millionaires from across the country to Nevada because of its low taxes. California millionaires were particularly targeted because their state income tax had been increased by their Legislature

in 1935. The extensive national marketing campaign advertised Nevada as a state with "no income tax, no inheritance tax, no sales tax, no tax on intangibles, but with a balanced budget and a surplus."

Literally scores of millionaires—among them Max Fleishmann, George Whittell, Jr., LaVere Redfield, and E. L. Cord—established residency in Nevada. The taxes on all the property purchased at Lake Tahoe, in and around Reno and Las Vegas, and throughout Nevada helped fill the state's coffers.

Although the *ad valorem* tax on taxable property was raised by the 1937 Legislature, by 1939 the state surplus was so large that the property tax rate was cut by 20 percent. I thought this was the Great Depression! Didn't it happen all the same way, everywhere? Let me continue.

A March 20, 1939, *San Francisco Chronicle* article entitled "Nevada Fires on Fort Taxation" playfully asked:

"What is Nevada doing? Getting ready to secede from the Union? The Nevada Legislature wound up Saturday after cutting the state's taxes by 20 percent. That is unfair to organized taxers. And nobody in this session of the Legislature proposed any such levies. This marks Nevada as a community with no proper place in the American commonwealth of states. South Carolina achieved secession by firing on Fort Sumter. Nevada puts herself out alone by firing on Fort Taxation. Nevada has no need for the fancy taxes other states have been dolling themselves up with. The simple taxes she has produced too much money. Surplus has been piling up. The Legislature thought the surplus was getting too big, so it handed out a dividend to taxpayers by cutting taxes one-fifth. Unbelievable, but it is true. These people just do not belong in the United States."

Actually, the 1939 Legislature did impose a state gas tax for the first time at 5 cents a gallon. However, an effort to pass a 1937 legislative resolution a second time in 1939 to amend the state constitution to allow for a state lottery, with proceeds earmarked for old-age pensions, and send the measure to the voters in 1940, passed in the Senate but died in the Assembly due to the gaming lobby. My goodness, that was 70 years ago.

The Great Depression was clearly over in 1939 while the rest of the nation continued to struggle until the onset of World War II. Nevada's population had grown to 110,247 in 1940, the largest growth the state had seen since the resurgent mining booms in the first decade of the twentieth century.

Let me read Edward Peter Carville's 1941 message, which he read. He came to this Chamber and read it to the body. I have it here—January 21, 1941.

"I am pleased to report that the financial condition of the state's various departments is sound. Each department is considering its affairs within the limits of the amounts set forth in the budget made during the 39th Session of the Legislature, and in several instances, reversion of funds will be made at the end of the biennium. Throughout the state, economic conditions are fundamentally sound. There has been a marked increase in revenues from gasoline and diesel taxes, liquor taxes, bullion taxes, plate taxes, and common carrier taxes."

We were no longer in a depression.

Today's "Great Recession" ranks as Nevada's third worst economic crisis, after the state's 20-plus year mining depression—which began in the late 1870s and lasted through 1900—and Nevada's six-year Great Depression in the 1930s.

The Nevada Legislature is facing a challenge of a magnitude it has not seen for more than 70 years. May you have the wisdom and leadership to lead our state out of the economic wilderness. Nevada must be reconfigured in order to thrive in the rest of the twenty-first century in ways much different than in the twentieth century when we relied so heavily on the tourism industry to fund the operations of our state.

We clearly know now that no state, especially Nevada, is recession-proof.

I wish you well and success in this political and economic challenge of a political lifetime. Thank you.

Assemblyman Ocegüera requested that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, On March 3, 2009, the Nevada Assembly honors its history by holding its floor session in the former Assembly Chamber located in Nevada's monument to democracy, the State Capitol Building; and

WHEREAS, The earliest sessions of Nevada's Territorial and State Legislatures, from 1861 through 1869, were conducted in various rented facilities and the original Ormsby County Courthouse; and

WHEREAS, In 1869 the State Capitol Fund was created upon the passage of Assembly Bill 36, which called for the erection of the State Capitol Building at a cost not to exceed \$100,000, using sandstone obtained from the Nevada State Prison quarry, located just outside of Carson City; and

WHEREAS, Construction on the State Capitol Building began on April 21, 1870, and the building was completed on May 1, 1871. Robert E. Lowery presided as the first Speaker of the Assembly to officiate in the new Chamber; and

WHEREAS, The State Capitol Building was designed by San Francisco architect Joseph Gosling and built by Carson City building contractor Peter Cavanaugh. Its architecture reflects Classical and Renaissance Revival and Italianate elements; and

WHEREAS, Nevada's government evolved in this historic landmark, where the Senate and Assembly convened until April 24, 1969, when the Legislature adjourned *sine die*, ending nearly a hundred years of tradition of the Nevada Legislature meeting in the State Capitol Building; and

WHEREAS, The number of Assembly members who met in this Chamber, which was originally called the Assembly Hall, ranged from a high of 53 in the sessions of 1913 and 1915, to a low of 30 members in the sessions of 1893 through 1899; and

WHEREAS, Near the end of the 1969 Legislative Session, an appropriation of \$3.4 million was approved for the construction of Nevada's Legislative Building. The Senate and the Assembly moved to the Legislative Building in 1971; and

WHEREAS, It was with feelings of gratitude and respect for the past and hope for the future that Assembly Speaker Howard F. McKissick, Jr. bid farewell to this Chamber on the last night of the 55th Nevada Legislative Session by stating, "Let us then hold fast to the memory of those who went before us and, grateful that we have had an opportunity to participate in events that have taken place here, let us go forward with confidence to our new duties in our new Assembly Chamber in the soon-to-be-completed Legislative Building . . . [and] let us take with us the same pioneer spirit of all the Assemblymen of the State of Nevada who have helped shape our destiny, the willingness to enforce what is just, and the courage to change what is wrong"; now, therefore, be it

PROCLAIMED, That members of the Assembly of the 75th Regular Session of the Nevada Legislature look back with deep pride and appreciation on the hard work, courage, and vision of all who served in the State Capitol Building as members of the Nevada Assembly; and be it further

PROCLAIMED, That Nevada's political history and heritage must be preserved and brought back to life periodically through celebrations such as today's floor session in the former Chamber of the Nevada Assembly; and be it further

PROCLAIMED, That by conducting today's floor session in the former Assembly Chamber in the State Capitol Building, members of the Nevada Assembly reaffirm that the State Capitol Building is a treasured landmark and a symbol of the Silver State's rich and diverse history and people.

DATED this 3rd day of March, 2009.

BARBARA E. BUCKLEY
Speaker of the Assembly

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

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

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Dyshali Lammey.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from the Churchill County High School Young Republicans: Sarah Jamieson, Michael Perazzo, Toree Lammel, Sarah Frandsen, Kirby Pearce, Erik Kruckenberg, Tina Bernardo, Shelby Frandsen, Nathan Denney, Chris Bloomfield, Ryne Wood, Aaron Thomas, Geran Elkins, Seth Price, James Bake, Melissa Thomas, Ileigh Williams, Kenny Travis, Alicia Perazzo, and Cameron Sorensen.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica VanVickle.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Taylor.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Skyler Holloway.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jordon Arellano.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Miguel Hernandez.

Assemblyman Ocegüera moved that the Assembly adjourn until March 4, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly