THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 29, 2009

Assembly called to order at 12:16 p.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Chuck Durante.

(Adapted from the Psalm to Virgin Spring by Edward Hays.)

Drawn upward by some hidden power, life is cracking the crust of the earth and bursting forth from limb and stem.

Your aroma, O Life-giver, is upon the springtime wind, may we feel its power stirring deep within us.

Green is Your color, O God, The green of new life that lovingly transfigures Earth's dreariness, long held prisoner by the icy web of winter's cold.

Green up our hearts with hope in your perpetual promise of life.
Send forth from our souls new shoots, fresh buds Eager to grow in Your divine image.

May this year's visit of fresh Spring Make our hearts fresh once again, Filled with love for You whom we discover In all things good and in everyone.

Grant us peace and centeredness, this day. We make this prayer as Your holy and humble people.

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 Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

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Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN M. KOIVISTO, Chair

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Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, Chairman

Madam Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN. Chair

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., Chair

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 28, 29.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 78.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblywoman Mastroluca moved the adoption of the resolution.

Remarks by Assemblywoman Mastroluca.

Resolution adopted.

NOTICE OF EXEMPTION

April 29, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 543 and 544.

MARK STEVENS Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 60.

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

Motion carried.

Senate Bill No. 78.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the reading of the histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 528.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Claborn moved that Senate Bill No. 108 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 199.

Bill read second time and ordered to third reading.

Senate Bill No. 223.

Bill read second time and ordered to third reading.

Senate Bill No. 342.

Bill read second time and ordered to third reading.

Senate Bill No. 344.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblymen Leslie, Smith, Carpenter, and Hardy.

Roll call on Assembly Bill No. 123:

YEAS—42.

NAYS—None.

Assembly Bill No. 123 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblymen Oceguera, Settelmeyer, Manendo, and Conklin. Roll call on Assembly Bill No. 229:

YEAS—33.

NAYS—Christensen, Cobb, Goedhart, Gustavson, Hambrick, McArthur, Settelmeyer, Stewart, Woodbury—9.

Assembly Bill No. 229 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 580.

SUMMARY—Restricts a department, division or other agency of this State [or a local government] from employing a person as a consultant. (BDR 23-1057)

AN ACT relating to governmental administration; restricting a department, division or other agency of this State [or a local government] from employing a person as a consultant; requiring [a school district] certain entities to submit to the Interim Finance Committee a report concerning each consultant employed by the [school district;] entity; requiring that contracts with consultants and temporary employment services be awarded by open competitive bidding; requiring that information concerning the use of consultants and temporary employment services be included and explained in the budget process by a state agency; requiring the Legislative Auditor to conduct an audit concerning the use of contracts with consultants by state agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill restricts a department, division or other agency of this State [or a local government] from employing a person as a consultant for the agency. For local government unless | Section 1 requires the Interim Finance Committee [approves] to approve the employment [and any of the following of a consultant under certain circumstances fexist, as determined by the Interim Finance Committee: (1) the person provides services that are not provided by any other employee of the agency or local government or for which a critical labor shortage exists; or (2) a short term need or unusual economic circumstance exists for the agency or local government to employ the person. Section 1 prohibits the Interim Finance Committee from approving and limits the approval of the employment of the person as a consultant if the person is a former employee of a department, division or other agency of this State for a local government and at least 1 year has not expired before the person is employed as a consultant. **Section 1** also requires each board, commission, school district and institution of the Nevada System of Higher Education to submit to the Interim Finance Committee, at least once every 6 months, a report concerning each consultant employed by the [school_district.] entity. Section 1 also requires that contracts with consultants and temporary employment services be awarded by open competitive bidding. Section 2.5 of this bill requires that information concerning the use of consultants and temporary employment services be included and explained in the budget process by a state agency. Section 2.7 of this bill requires the Legislative Auditor to conduct an audit of the use by agencies of the Executive Branch of State Government of contracts with consultants.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter [281] 281_of NRS is hereby amended by adding thereto a new section to read as follows:

1. [Notwithstanding any provision of law to the contrary and except] Except as otherwise provided in subsection [2,] 6, a department, division or other agency of this State for a local government] shall not employ, by contract or otherwise, a person to provide services as a consultant for the agency for local government unless, before the person is employed by the agency or local government:

 $\frac{(a)-The}{}$ if:

- (a) The person is a current employee of an agency of this State;
- (b) The person is a former employee of an agency of this State and less than 1 year has expired since the termination of his employment with the State; or
- (c) The term of the contract is for more than 2 years, or is amended or otherwise extended beyond 2 years,
- <u>→ unless, before the person is employed by the agency, the</u> Interim Finance Committee approves the employment of the person <u>. [; and (b) Any]</u>
- 2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a state agency shall provide the agency with the names of the employees to be provided to the agency. The Interim Finance Committee shall not approve the employment of a consultant pursuant to paragraph (b) of subsection 1 unless the Interim Finance Committee determines that one or more of the following circumstances exist: [-, as determined by the Interim Finance Committee:]
- [(1)] (a) The person provides services that are not provided by any other employee of the agency for local government] or for which a critical labor shortage exists; or
- [(2)] (b) A short-term need or unusual economic circumstance exists for the agency for local government] to employ the person as a consultant. [2.—If a person specified in subsection 1 is a former employee of a department, division or other agency of this State or a local government, the Interim Finance Committee shall not approve the employment of the person

- as a consultant for an agency or local government specified in that subsection unless at least 1 year has expired after the termination of that former employment.]
- 3. [Notwithstanding any provision of law to the contrary, each] Except as otherwise provided in subsection 6, a department, division or other agency of this State shall report to the Interim Finance Committee whenever it employs, by contract or otherwise, a person to provide services as a consultant for the agency who is a former employee of a department, division or other agency of this State.
- 4. Except as otherwise provided in subsection 6, a department, division or other agency of this State shall not contract with a consultant or a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.
- 5. Each board or commission of this State, each school district in this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:
- (a) The number of consultants employed by the <u>board</u>, <u>commission</u>, school district $\frac{\{\cdot,\cdot\}}{\cdot}$ or institution;
- (b) The purpose for which the <u>board, commission, school district or institution</u> employs each consultant; [and]
- (c) The amount of money or other remuneration received by each consultant from the <u>board</u>, <u>commission</u>, <u>school district</u> <u>f--} or institution</u>; <u>and</u>
- (d) The length of time each consultant has been employed by the board, commission, school district or institution.
- 6. The provisions of subsections 1 to 4, inclusive, do not apply to the Nevada System of Higher Education or a board or commission of this State.
- 7. For the purposes of this section, "consultant" includes any person employed by a business or other entity that is providing consulting services if the person will be performing or producing the work for which the business or entity is employed.
 - Sec. 2. NRS 218.6827 is hereby amended to read as follows:
- 218.6827 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.
- 2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.090, NRS 341.142, subsection 6 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650 [...] and section 1 of this act. In performing those duties, the Senate Standing

Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chairman of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

- 3. The Chairman of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Board that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.090, NRS 341.142 and subsection 6 of NRS 341.145. If the Chairman appoints such a subcommittee:
- (a) The Chairman shall designate one of the members of the subcommittee to serve as the chairman of the subcommittee;
- (b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chairman of the subcommittee; and
- (c) The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 2.5. NRS 353.210 is hereby amended to read as follows:

- 353.210 1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:
- (a) The number of positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy; [and]
- (b) Any existing contracts the department, institution or agency has with consultants or temporary employment services, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such consultants or services; and
- (c) Estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.
- 2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.
- 3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget

estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his designated representative may attend any such conference.

- 4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organizational units may be subclassified by functions and activities, or in any other manner at the discretion of the Chief.
- 5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in his office or which he may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.
- 6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.
- Sec. 2.7. 1. The Legislative Auditor shall conduct an audit concerning the use by agencies of the Executive Branch of State Government of contracts with consultants. The State Controller shall provide such information as is requested by the Legislative Auditor to assist with the completion of the audit.
- 2. The Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission not later than February 7, 2011.
- 3. The provisions of NRS 218.737 to 218.893, inclusive, apply to the audit performed pursuant to this section.
- Sec. 3. The amendatory provisions of section 1 of this act do not apply to a contract of employment specified in that section that is entered into or renewed before the effective date of this act.
 - Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 109:

YEAS—42.

NAYS-None.

Senate Bill No. 109 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended and the Assembly dispense with the reprinting of Assembly Bill No. 463.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 463.

Bill read third time.

Remarks by Assemblywomen Smith and Gansert.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 463:

YEAS—41.

NAYS—Aizley.

Assembly Bill No. 463 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Spiegel moved that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, Political involvement by women in our State can be traced back to the activities that helped Nevada obtain statehood in 1864; and

WHEREAS, Women were allowed to hold positions as school superintendents and trustees prior to receiving the right to vote in 1914; thereafter, women ran for elected offices at local and state levels resulting in the election of the first female county commissioner in 1915 and the first female State legislator in 1919; and

WHEREAS, Political leadership is an important quality for officeholders at all levels of government, one that is recognized by Emerge Nevada, an organization whose mission is to identify, educate and inspire Democratic women who want to pursue a political career; and

WHEREAS, Established in 2006 by Erin Bilbray-Kohn, Emerge Nevada is an affiliate of emergeAmerica, whose goal is to increase the number of Democratic women in public office across the nation by providing training in areas that include campaign strategy, fundraising, media skills, and ethics; and

WHEREAS, Since its establishment, 30 women have graduated from the seven-month long training program of Emerge Nevada, resulting in nearly 25 percent of the graduates becoming candidates for an elected office; and

WHEREAS, In the 2008 General Election, the first Emerge Nevada graduates chosen to serve the public were Assemblywoman Ellen Barre Spiegel, Clark County District No. 21; Kitty Jung, Washoe County Commission District 3; and Julia Ratti, Sparks City Council Ward 1; and

WHEREAS, The women who enroll in the training program offered by Emerge Nevada represent the increasing diversity and leadership ability available through individuals in our State; and

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WHEREAS, The importance of programs like Emerge Nevada for helping women achieve their fullest potential is appreciated by Nevada's first woman Speaker of the Assembly, Barbara Buckley; and

WHEREAS, An increasing number of women are pursuing roles in public office, and the diligent efforts of those women promise to someday break through the series of firsts, making the election of a woman a practicable choice for any public position; now, therefore, be it

PROCLAIMED, That the State of Nevada recognizes the efforts of Emerge Nevada to strengthen the leadership ability of women by encouraging them to pursue a career in politics and have a positive effect on the history of our State and the success of its future.

DATED this 29th day of April, 2009.

BARBARA E. BUCKLEY Speaker of the Assembly

ELLEN B. SPIEGEL
Nevada State Assemblywoman

Assemblywoman Spiegel requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SPIEGEL:

Thank you, Madam Speaker. First, I would like to present the proclamation to Erin Bilbray-Kohn, who is the founder of Emerge Nevada. She is also the Democratic National Committeewoman for the State of Nevada. Erin, I would like to give you a copy of this proclamation, with our thanks and appreciation. I would like to also recognize all my fellow Emerge sisters who are here. Please rise so that everyone can make you feel welcome.

I have to tell you that I was in the very first class of Emerge Nevada. I was taught many, many wonderful skills. But more importantly, I was also able to develop a network of sisters and forge bonds and really develop relationships that I will carry with me throughout my life. Emerge Nevada has fostered many special things and is achieving results. I do not know if I would be standing here today if not for Emerge Nevada. So please make all my fellow Emerge sisters feel welcome. Thank you.

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

We are so pleased to have all of you with us today. We hope that this will be the start of a tradition of Emerge Day at the Nevada Legislature. We are so pleased at all of the successes shown by the elected officials we have with us already and those who are thinking of running or are helping people who have run. I see one attendee who spoke so highly of working on your campaign, Assemblywoman Spiegel, and so we aren't only training the future leaders, but the future power figures that will make things happen. We are so pleased to have you all here, and we look forward to the events through the rest of the day.

I, too, hope, though, that eventually this will just become obsolete. I hope that there will be a day when it is no longer an odd occasion to have the first woman city council person, the first woman Speaker, the first woman Governor, the first woman President, where it is just not thought of any longer as being anything out of the ordinary. Welcome here. We are thrilled to have you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 15, 28, 65, 67, 90, 166, 392; Senate Joint Resolution No. 9 of the 74th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Roger Corbett Elementary School: Sandra Aguilar, Luis Aguirre-Alba, Jonathan Cano, Drandon Carrasco, Jose Castillo, Omar Cruz, Alondra Diaz, Michelle Espinoza, Yadira Garcia, Mayra Gonzalez, Hector Lopez, Neida Lopez, Krystal Manzano, Lexus Montoya, Ruby Mora, Ulises Munoz, Jackie Nunez, Destiny Ochoa, Carlos Paguntalan, Diego Puertos, Arturo Rios, Vanessa Rodriguez, Alex Ruvalcaba, Marisol Torres, Raul Vanegas, Randy Alvarez, Crystal Arellano Rios, Kaleen David, Lucero DeLaRiva, Sergio Diaz Funes, Dana Engen, Alondra Espinoza, Juliet Fakava, Yonathan Gonzalez, Andrew Hernandez Reyes, Jonathan Huerta, Miguel Lacano, Edwin Martinez, Jonathan Negreros, Malinalitzxin Oliva, Liliana Pacheco, Daisy Partida, Maricruz Perez, Julie Ann Ramirez, Barbara Rodriguez, Diana Rodriguez, Abner Ruiz, Brayan Silva and Yessenia Martinez Aguilar; teacher Lori Pomajzl; Julia Ratti.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Monika Wiegers, Kitty Jung, and Olivia Gobert-Hicks.

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

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Richard A. Bowen and Mindy Bowen.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Samson and Ronda Kennedy.

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

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bethlehem Lutheran School: Henry Bingham, Shayla Clyde, Daxea DeWeese, Kidrick Fore, Erin Henry, Sarah Housel-Koche, Taylor Negrete, Carie Olson, Vishvaas Ravikumar, Karl Ricks, Michaela Roth, Christopher Soderstrom, Nicholas Walker, Rachel Andersen, Richard Brookes, Annhya Clarkson, Stephanie Gansberg, Carson Iverson, Sashank Kandhadai, Caleb Keith, Nathan King, Jacob Medlock, Matthew Premo, Visesh Ravikumar, Andy Shao, Magan Smith McKinze Tynes, Abby Williams; chaperones Clay Soderstrom, Jamie McCormick, and Vanessa Bernhard; Cathy Madsen, Vivian Pickett, Sandy Osheroff, Donna Curtis, Jean Bondiett, Sally Layer, Nora McGinley, Karen Priest, Anita Eftimoff, Jean Estrada, Raynell Heaton,

Joan Wong, Yolanda Garcia Banuelos, Margaret Mello, Janet Riggs, and Abby Madsen.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Gina Greisen and Erika Greisen.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Bilbray-Kohn.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, May 1, 2009, at $11:30\ a.m.$

Motion carried.

Approved:

Assembly adjourned at 12:58 p.m.

rissemely adjourned at

BARBARA E. BUCKLEY Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly