

# NEVADA LEGISLATURE

Eighty-Second Session, 2023

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## ASSEMBLY DAILY JOURNAL

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### THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 30, 2023

Assembly called to order at 11:41 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Newby, who was excused.

Prayer by the Chaplain Craig Swope.

Father, we thank You for those who were path makers. Over a half-century ago, our brightest lights along that path were working for the common good in these halls. They discovered meaning in their service. Across cultures, belief systems, and economic and political systems, people have found through history that the components present when we discover a meaningful life are:

Belonging—a place where we connect and interact with others with a common interest. An opportunity to care and be cared for. We find meaning.

Purpose—it is in that belonging that we find purpose. A unique skill, ability, or perspective only we can provide. We find meaning.

Transcendence—when we become aware and realize the joy of being part of something bigger than ourselves, we find meaning.

Help us to remember those three components as we work for the common good of all. We ask this in Your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui 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.

### COMMUNICATIONS

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-2802

March 30, 2023

The Honorable Steve Yeager, The Honorable Nicole J. Cannizzaro, Nevada Legislature,  
401 S. Carson Street, Carson City, NV 89701-4747

DEAR SPEAKER YEAGER AND MAJORITY LEADER CANNIZZARO:

Pursuant to past protocol, I would like to request permission as a Representative in the United States Congress of the Second District of Nevada, to address a joint session of the Nevada Legislature on Monday, May 8, 2023 at 5:00 pm.

Please contact my District Director, Stacy L. Parobek, at 775.686.5760 to coordinate the details of my visit, or if you have any further questions. Your consideration of this request is greatly appreciated.

Sincerely,  
MARK E. AMODEI  
*Member of Congress*

#### MOTIONS, RESOLUTIONS AND NOTICES

March 30, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bills Nos. 58, 212 and 256.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 220, 266, 430, 432 and 444.

WAYNE THORLEY  
*Fiscal Analysis Division*

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of March 30, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

INSIGHT STUDIO: David Siegel.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 136 requires an operator of a qualified residential treatment program that provides care and shelter for less than 16 children to obtain a license as a child care institution from the Division of Public and Behavioral Health of the Department of Health and Human Services. Any qualified residential treatment program operating on or before January 1, 2024, may continue operating without such a license until July 1, 2024, under certain circumstances.

Roll call on Assembly Bill No. 136:

YEAS—41.

NAYS—None.

EXCUSED—Newby.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 268.

#### REMARKS FROM THE FLOOR

At the direction of Mr. Speaker, the following remarks were entered in the Journal:

FORMER ASSEMBLY MEDIA CLERK MICHELE BURKE:

I would like to thank Mr. Speaker and the Chief Clerk for inviting me to talk to you today. It is my privilege to share some research I compiled as the Media Clerk here several sessions ago. Before this building was completed in 1871, the State Legislature met on the second floor of the first Ormsby County Courthouse—which was formerly Abe Curry’s Great Basin Hotel- just across Carson Street. I would like to share with you about one of the members who met there.

When you enter the front doors of the Nevada Legislative building, on the wall lining the right side of the foyer are the photos of those who have held the position of Speaker of the Nevada Assembly dating back to our first State Legislature in 1864. The one exception is James A. Banks who was the Speaker of the Assembly in 1866, our second Legislative Session. He is represented by a framed silhouette. As soon as I noticed this I began researching, trying to find a picture to fill that frame. I quickly found a picture of his father, as well as one of his brother. The more I searched for his picture the more I became caught up in his remarkable achievements.

James Andrew Banks was born in Pennsylvania on January 17, 1828. He was the oldest son of David Banks and Jane McAllister Banks who were affluent estate owners. James’ maternal grandfather helped George Washington rally the disheartened troops in the Revolutionary War. One of his brothers became a doctor, one a lawyer and the youngest remained to help his father run the estate. With a desire to make his own way in the world, Mr. Banks left home at the age of 21, and after living for a short period in New York in various places teaching school, and learning carpentering, he caught gold fever and headed for California. An early California newspaper reported:

The excitement which followed the discovery of gold in California found him among the early immigrants to these shores. Upon landing here he engaged in business at his trade which he followed for several years until he won the confidence not only of his fellow mechanics but of his fellow citizens.

From 1848 to 1849, the San Francisco population went from 1,000 to 25,000 and continued to grow rapidly throughout the 1850s. Recognizing a need among his fellow tradesmen, in 1854 Mr. Banks helped to found the Mechanics Institute of San Francisco to serve the educational and social needs of mechanics, artisans, craftsmen, and inventors and their families. While not still solely dedicated to mechanical arts, this institute is still in existence today. For this achievement: no pictures of our Mr. Banks.

While in San Francisco, he continued membership in the Presbyterian Church and was elected president of the Young Men’s Christian Association [YMCA] in 1858. Accounts of the time report that during his tenure he did much to bring the society to notice and put the group on firm financial ground. None of the accounts have a picture of Mr. Banks.

Mr. Banks was elected a member of the [California] State Legislature ... in which he distinguished himself by a strict adherence to the interest of his constituents and the honest discharge of his duty.

While in the California legislature he was known as a strong advocate of education and helped draft legislation establishing a California University. A great story of his dedication to his job can be found in the legislative report from The Sacramento Daily Union April 27, 1861. After a particularly heated debate during a floor session over an appropriation for the Reform School, “some expressions were used in consequence of which a member was ordered under arrest by the chair.”

Some witness accounts say that Mr. Banks had stopped at the Chief Clerk’s desk at the end of the floor session and was intently studying something when Mr. Hahn came from behind and struck him severely over the head with his cane. This account was countered with the argument

that the bruising on Mr. Bank's forehead clearly demonstrated the blow was leveled from the front when he was in deep concentration and didn't see it coming. While Mr. Banks' supporters called for Mr. Hahn's expulsion from the Assembly, they were overridden citing precedence of a similar occurrence in the United States Congress which resulted in all charges dropped.

For his four sessions in the California Assembly and one in the California Senate, still no picture of Mr. Banks.

Shortly after this incident Mr. Banks left California joining friends mining ventures in Paradise Valley, Humboldt County, Nevada.

He was elected to be a delegate for the second Constitutional Convention in 1864. Delegates ranged in age from 26 to 64 years of age. Three were foreign born, eleven were lawyers, thirty-three had come to Nevada from California and all but one were registered as Unionists. The president of the convention was J. Neely Johnson, a former Governor of California and future justice of the Nevada Supreme Court. The 1863 constitution which was turned down by voters, provided for taxation of mines and mining claims, whether producing or not. Mr. Banks, who was a mine superintendent in Humboldt County, helped write the change in the 1864 document which specified that only the proceeds of mines and claims could be taxed. With the modifications the proposed constitution passed, was sent by telegraph to Washington, D.C., and President Lincoln declared Nevada a state on October 31, 1864.

Mr. Banks returned to his mining career in Humboldt County and was highly regarded in his field. He was known as a young man of irreproachable character, great industry, and full of enthusiasm. There was a large influx of settlers in the region and the Native American population who at first had been tolerant of the newcomers was beginning to fight against the widespread takeover of their lands. Mr. Banks was highly critical in letters to the governor of how the military was handling the situation. He felt their handling of the conflicts were escalating the situation rather than calming it down. His constant advocacy on behalf of the citizens of Humboldt County gained him the reputation as a leader and he was elected to represent them in the second session of the Nevada Legislature, where he was elected Speaker.

The June 1866 edition of the Harrisburg Telegraph reported that Mr. Banks was going to run against Senator James Nye for the United States Senate seat. This was a dream that never was given a chance.

In August of 1867 Mr. Banks met some friends who were staying at Camp Winfield Scott, the camp of whose commander he had been so critical in letters to the Governor. The Marysville Daily Appeal reported:

Banks and two others were fishing about one mile from Camp Winfield Scott. Banks started up the creek and as he did not return search was made for him. He was found about three hundred yards above the fishing grounds, with a bullet hole through his breast and his bowels cut out.

His body was taken back to camp and buried in the cemetery there.

*Marysville Daily Appeal* September 1867:

The *Sacramento Union* of August 31 contains a series of resolutions adopted by the citizens of Unionville, Humboldt County Nevada calling upon the civil and military authorities ... to avenge the death of James A. Banks who it is said was shot by an Indian... There is the possibility that James A. Banks was not shot by an Indian, as it is quite common for robberies and murders to be committed by [others] dressed as Indians for which Indians have been butchered wholesale . . .

Who actually killed Mr. Banks was never determined or further investigated. In 1869 the Young Men's Christian Association took his body back to San Francisco and buried him in the Masonic Cemetery where they erected a monument to honor him. At his funeral his dear friend Judge Sawyer said, "In the workshop he was a gentleman, in the parlor a companion and in the legislative halls he was more than a politician."

The story of Mr. Banks was not quite over. In 1901 the growing city of San Francisco needed more land. The City passed an ordinance outlawing cemeteries inside city limits and the bodies from the Masonic Cemetery who were not claimed by their families were moved and buried in a

mass grave in a cemetery in Colma, California. The tombstones and monuments were ground up and used as fill on the approaches of the Golden Gate Bridge.

James Andrew Banks was 39 years old when he died. For all of his accomplishments we have yet to locate a portrait of him, but I hope from my story today you will have a better picture of who he was.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Eleanor Davis, Amber Joiner, and Andi Close.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Paisley Knox.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Romero, Tameka Henry, and Miriam Lachica.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Frankel.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Araceli Bautista and Stephanie Magallanes.

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, April 3, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved:

STEVE YEAGER  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*