

THE NINETEENTH DAY

CARSON CITY (Friday), February 25, 2005

Assembly called to order at 10:31 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hettrick, who was excused.

Prayer by the Chaplain, Bishop Nolan J. Greenburg.

Our Father in Heaven, we thank Thee for Thy many blessings. We are especially grateful for this nation in which we live, and for the freedom, peace, and prosperity we enjoy. We are thankful this morning for the men and women of our Armed Forces; grateful for their sacrifices and devoted service on our behalf. We are mindful that at this moment, many are in harms way, and we pray for a speedy resolution to the conflicts that threaten their safety. We pray that they may soon return to their homes and their loved ones.

We pray for our legislators, whom we have elected as our voice in this Assembly. In their wisdom, may they enact laws for the good of the people of this great state; laws that will preserve the rights and liberties we cherish and hold sacred. May all these things be done according to Thy will is our sincere prayer, in the name of our Savior, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguela 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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Buckley, Oceguela, Giunchigliani, Anderson, Allen, Arberry, Atkinson, Carpenter, Claborn, Conklin, Gerhardt, Goicoechea, Grady, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Sibley, and Smith; Senators Horsford, Carlton, Titus, Schneider, Amodei, Nolan, Raggio, Townsend, and Wiener:

Assembly Joint Resolution No. 2—Proposes to amend the Nevada Constitution to authorize the Legislature to provide for a statewide lottery to provide money for textbooks, classroom supplies and materials and class-size reduction.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 24 of article 4 of the Constitution of the State of Nevada be amended to read as follows:

[See:] Sec. 24. 1. ~~[Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.]~~ The Legislature may authorize a lottery to be operated by the State of Nevada. If the Legislature authorizes such a lottery, the Legislature shall, by law:

(a) Determine the appropriate manner of operation of the lottery, other than the use of video lottery terminals or similar type of machines.

(b) Provide for the disbursement of all money from the proceeds of the lottery, less expenses directly related to the operation of the lottery, to the school districts in this State in a fair and equitable manner.

(c) Ensure that the money disbursed to the school districts from the proceeds of the lottery is used only to supplement and not replace the money that a school district would otherwise receive from this State for the system of public education.

(d) *Ensure that each school district that receives money from the proceeds of the lottery uses the money only to supplement and not to replace the money that the school district would otherwise expend for:*

(1) *Textbooks;*

(2) *Classroom supplies and materials; and*

(3) *The reduction of class sizes.*

2. The ~~[State and the]~~ political subdivisions ~~[thereof]~~ of this State shall not operate a lottery.

3. The legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this state. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The legislature may provide by law for the regulation of such lotteries.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Education.

Motion carried.

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

Assembly in recess at 10:38 a.m.

ASSEMBLY IN SESSION

At 10:43 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Seale, Giunchigliani, Conklin, Perkins, McCleary, Allen, Anderson, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, Munford, Ocegüera, Parks, Parnell, Pierce, Sherer, Sibley, Smith, and Weber; Senators Rhoads, Tiffany, and Titus:

Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to eliminate the Office of State Controller and transfer the duties of that Office to the Office of State Treasurer.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 19 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 19. 1. A secretary of state, a treasurer, [~~a controller,~~] and an attorney general, shall be elected at the same time and places, and in the same manner as the governor. The term of office of each shall be the same as is prescribed for the governor.

2. Any elector shall be eligible to any of these offices, but no person may be elected to any of them more than twice, or more than once if he has previously held the office by election or appointment.

And be it further

Resolved, That Section 22 of Article 5 of the Nevada Constitution be amended to read as follows:

~~Section~~ Sec. 22. The secretary of state, state treasurer, [~~state controller,~~] attorney general, and superintendent of public instruction shall perform such other duties as may be prescribed by law.

And be it further

Resolved, That Section 3 of Article 9 of the Nevada Constitution be amended to read as follows:

Sec. 3. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two percent of the assessed valuation of the state, as shown by the reports of the county assessors to the state [~~controller,~~] treasurer, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise. The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

And be it further

Resolved, That Section 12 of Article 15 of the Nevada Constitution be amended to read as follows:

~~Sec.~~ Sec. 12. The Governor, Secretary of State, State Treasurer, [~~State Controller,~~] and Clerk of the Supreme Court, shall keep their respective offices at the seat of Government.

Assemblyman Seale moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 138—AN ACT relating to vehicles; revising the manner in which the legal maximum width of a recreational vehicle is determined to exclude certain equipment in making such a determination; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Pierce, Leslie, Giunchigliani, McCleary, Conklin, Anderson, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, and Smith:

Assembly Bill No. 139—AN ACT relating to public welfare; requiring that an application for Medicaid or the Children's Health Insurance Program include certain information relating to the employer of the applicant or the employer of a person who provides financial support for the applicant; requiring the biennial reporting by the Department of Human Resources of such information with respect to certain employers and the cost to the State of providing assistance to such applicants; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Anderson, Smith, Parks, Giunchigliani, Ohrenschall, Allen, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Gerhardt, Holcomb, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Ocegüera, Parnell, and Pierce:

Assembly Bill No. 140—AN ACT relating to railroads; requiring railroads to submit certain reports concerning railroad accidents; authorizing persons employed by railroads to report certain railroad accidents, safety violations and injuries; protecting those persons from harassment, intimidation and retaliatory actions for reporting such accidents, violations and injuries; prohibiting officers, managers, employees and agents of railroads from engaging in certain unlawful conduct relating to such accidents, violations and injuries; providing remedies and penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 141—AN ACT relating to fire protection; increasing the maximum balance allowed in the district fire emergency fund of certain fire protection 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 Government Affairs:

Assembly Bill No. 142—AN ACT relating to public records; authorizing certain persons to have personal information contained in the records of a county assessor kept confidential; authorizing a county assessor to create a program for the disclosure of confidential information for certain purposes; providing penalties for disclosing confidential information about certain persons; prohibiting the disclosure of certain records of the Department of Motor Vehicles for journalistic purposes in certain circumstances; providing civil and criminal penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Giunchigliani, Parks, Conklin, Allen, Arberry, Atkinson, Buckley, Christensen, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hogan, Kirkpatrick, Leslie, Mabey, Manendo, McClain, Mortenson, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, and Sibley; Senators Amodei, Care, Carlton, Wiener, Beers, Cegavske, Hardy, Horsford, McGinness, Nolan, Titus, and Washington:

Assembly Bill No. 143—AN ACT relating to property; establishing certain requirements that a redevelopment agency must meet before commencing an eminent domain proceeding against a property owner; requiring a redevelopment agency to pay certain fees and costs incurred by a property owner; exempting a redevelopment agency from paying certain fees and costs under certain circumstances; making various changes concerning factors characterizing a blighted area for purposes of the Community Redevelopment Law; providing that a property owner who rejects an offer of judgment may not be required to pay certain penalties or costs; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 36.

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

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 144—AN ACT relating to taxation; providing for an adjustment to the base allocation of certain local governments for the purposes of the formula for the distribution of certain revenues among local governments; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 61 and 87 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Growth and Infrastructure:

Assembly Bill No. 145—AN ACT relating to taxation; revising the provision concerning the exemption for disabled veterans from property taxes; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 146—AN ACT relating to taxation; excluding from the statutory limitation on the total ad valorem tax levy for all public purposes any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State; clarifying the manner in which certain other limitations on ad valorem taxes are calculated; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 40 and Senate Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Stuart Mackie.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 28, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 10:55 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly