

**THE THIRTY-SIXTH DAY**

---

CARSON CITY (Monday), March 9, 2009

Assembly called to order at 11:04 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Mastroluca, who was excused.

Prayer by the Chaplain, Brother Orey Crounk.

Our Father in Heaven, we gather ourselves this day that we might give thanks for the many blessings which Thou hast bestowed upon this great nation. We are grateful for the divinely appointed liberties of this land. We thank Thee for our countless freedoms and for the agency and independence to act of our own will and choice.

We accept that we live in a perilous age. We thank Thee for these difficult times, Father, for we know that the seeds of strength, of courage, and of resolve can only be planted through our collective struggles and our individual efforts. We know that the fruits of these times are beyond contestation or measure.

Will Thou bless all who do labor here this day? Bless them with a full remembrance of their call to this sacred duty that they might know of Thy boundless love for them. Bless them with power and with optimism. Sustain their courage, their health, and their determination. We ask that Thou would bless their families, each and all, that they, too, might find joy and not be found wanting.

We do ask, Father, that Thou would continue to pour out upon this nation a vast and infinite blessing that we might stand as a light and a hope unto this earth. We acknowledge Thy hand in all things and give thanks unto Thee for that which we cannot fully see.

We do humbly show our gratitude unto Thee for these things, Father, and ask these favors in accordance to Thy will and in the name of Thy son, who is Christ eternal.

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.

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen McClain, Pierce, Parnell, Koivisto, Spiegel, Anderson, Buckley, Claborn, Conklin, Dondero Loop, Hogan, Kihuen, Kirkpatrick, Leslie, Manendo, Mastroluca, Munford, Segerblom, and Smith; Senators Parks, Carlton, Copening, Breeden, Horsford, Wiener, and Woodhouse:

Assembly Joint Resolution No. 3—Ratifying a proposed amendment to the Constitution of the United States providing that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

## Legislative Counsel's Digest:

Under Article V of the United States Constitution, Congress has the power to propose an amendment to the federal Constitution and to determine the mode of ratification. (U.S. Const. art. V) In 1972, Congress passed the Equal Rights Amendment and sent it to the states for ratification, imposing a 7-year time limit for ratification, but later extended this time limit to June 30, 1982. The Equal Rights Amendment was ratified by 35 states before the deadline. Under *Coleman v. Miller*, 307 U.S. 433, at 450, 456 (1939), the United States Supreme Court held that, as a political question, Congress may determine whether an amendment is valid because ratifications of the amendment are made in a reasonable period of time, even after the deadline. This resolution ratifies the Equal Rights Amendment, which provides for equality of rights under the law regardless of sex.

WHEREAS, Both houses of the 92nd Congress of the United States of America, by a constitutional majority of two-thirds thereof, adopted the following resolution proposing to amend the Constitution of the United States of America:

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

## ARTICLE .....

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification; and

WHEREAS, The 95th Congress of the United States purported to amend the resolution of the 92nd Congress to extend the time for ratification to June 30, 1982, thereby indicating its continued support of the amendment; and

WHEREAS, The Congress of the United States has adopted the 27th Amendment to the Constitution of the United States, which was proposed in 1789 by our First Congress, only recently ratified by three-fourths of the States and, on May 18, 1992, certified as the 27th Amendment; and

WHEREAS, The restricting time limit for the Equal Rights Amendment ratification is in the resolving clause and is not part of the amendment which was proposed by Congress and which has already been ratified by 35 states; and

WHEREAS, Having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be disregarded if it is not part of the proposed amendment; and

WHEREAS, The United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social and economic factors affecting the nation and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, If an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress, under the principles of *Coleman v. Miller*, to determine the validity of the state ratifications occurring after a time limit in the resolving clause, but not in the amendment itself; and

WHEREAS, The Legislature of the State of Nevada finds that the proposed amendment is meaningful and needed as part of the Constitution of the United States and that the present political, social and economic conditions demonstrate that constitutional equality for women and men continues to be a timely issue in the United States; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of State for his certification and transmittal to the Archivist of the United States pursuant to 1 U.S.C. §§ 106b and 112; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

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

Motion carried.

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

Assembly in recess at 11:09 a.m.

#### ASSEMBLY IN SESSION

At 11:10 a.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

By Assemblymen Buckley, Aizley, Anderson, Arberry, Atkinson, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Munford, Ocegvera, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart and Woodbury; Senators Amodei, Breeden, Carlton, Cegavske, Coffin, Copening, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 14—Commending the Nevada Women's Lobby on their 20th anniversary.

WHEREAS, The Nevada Women's Lobby is a statewide, nonpartisan coalition of organizations and individual women and men who advocate on behalf of women, children and families; and

WHEREAS, Founded in 1988 by a dedicated group of women to improve the status of women and children in this State, the Nevada Women's Lobby held their first public meeting on January 17, 1989, to introduce the organization to the community; and

WHEREAS, The original Steering Committee consisted of Sarah Chvilicek, Beth Elliot, Elaine Enarson, former State Senator Diana Glomb-Rogan, Helen Jones, Diane Loper, Nancy Moore, Elizabeth Pope and Diane Williams, and the current Steering Committee reflects a diverse demographic from across the State to champion their causes; and

WHEREAS, The primary work of the Nevada Women's Lobby focuses on lobbying public officials and lawmakers by working with other organizations for maximum effect; and

WHEREAS, The top legislative issues have included child support enforcement, domestic violence awareness and prevention, child care, education, child welfare, the treatment of incarcerated women, civil rights and women's health, including reproductive health; and

WHEREAS, Since 1989, the Nevada Women's Lobby has joined with other organizations and individuals during each legislative session for Grassroots Lobby Days, which is 3 days of training, inspiration and lobbying to learn how to more effectively work with the Nevada Legislature to serve the women, children and families of Nevada; and

WHEREAS, The Nevada Women's Lobby sponsors the Nevada Women's Summit, a statewide conference held in Las Vegas, and other workshops to increase awareness and participation in the political process, and the Nevada Women's Agenda, an affiliate of the Nevada Women's Lobby, concentrates its efforts on educating members and the public on the issues; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Nevada Legislature commend the Nevada Women's Lobby on their 20th anniversary of service and dedication to the women, children and families of our State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Women's Lobby.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

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

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. It is a privilege to be able to sponsor this resolution and to welcome the Nevada Women's Lobby to what appears will be another successful Grassroots Lobby Day.

I am proud to stand here because I once came to lobby with the Nevada Women's Lobby on issues pertaining to children, women, child support, and you name it over the years. I was pleased to come up to the Nevada Legislature, but I was a little intimidated. I took workshops to learn how to lobby. Actually, I was sitting on the floor with a legislator who said, "Why don't you consider running for office?" I said I didn't know if I could do that. Well 16 years later, I am pleased with the training the Nevada Women's Lobby gave me, the confidence that it instilled in me, and for the work that they have done over the years.

Most of these women who are with us have full-time jobs. They are mothers and full-time employees but still say, "I need to devote some part of my time towards promoting issues relating to women and children, promoting civil rights issues, and basically making our state a better place." I applaud them for their twentieth anniversary. I have to recognize Bobbie Gang, their lobbyist for many, many years until Julianna Ormsby took over. I'm sure Bobby is listening to us via the Internet. I would like to thank the stalwarts of the organization, those who have been involved for years and years—our unsung heroes or unsung volunteers—for all that you have done. I would like to welcome the newest of the ranks that are coming to learn. We need you to be part of the process. We welcome you. We have had a number of colleagues who have either come from your ranks or have benefited from your work, as we have as a state. Thank you for being involved. We look forward to many, many more years of a successful partnership.

Resolution adopted.

Resolution ordered transmitted to the Senate.

By Assemblymen McClain, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson,

Hambrick, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, Mastroluca, McArthur, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Spiegel, Stewart, and Woodbury; Senators Amodei, Breeden, Care, Carlton, Cegavske, Coffin, Copenig, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Parks, Raggio, Rhoads, Schneider, Townsend, Washington, Wiener, and Woodhouse:

Assembly Concurrent Resolution No. 15—Proclaiming March 2009 as Women's History Month.

WHEREAS, American women of every culture, class and ethnic background have participated in the founding and building of our nation and our State, have made historic contributions to the growth and strength of our nation and our State, and have played a critical role in shaping the economic, cultural and social fabric of our society, not in the least of ways through their participation in the labor force, working inside and outside the home, as well as through their participation in our nation's military forces; and

WHEREAS, In addition to securing their own rights of suffrage and equal opportunity, women have served as early leaders in the forefront of every major progressive social change movement, including the abolitionist, industrial labor and civil rights movements; and

WHEREAS, Despite these contributions, the role of women in the history of our nation and our State has been consistently overlooked and undervalued; and

WHEREAS, Various efforts and programs have been instituted in Nevada to reverse this trend and provide deserved recognition of the contributions of women; and

WHEREAS, Envisioned almost 30 years ago by Professor Anne Howard and Dr. Elaine Enarson, the major of Women's Studies was developed at the University of Nevada, Reno, in 1997 by Professor Jennifer Ring, and a master's degree and graduate certificate in Gender, Race and Identity was subsequently created by the current Director of the Women's Studies Program, Dr. Mary Stewart; and

WHEREAS, With its origins over 30 years ago as an interdisciplinary committee, subsequently a program and finally a department with Ellen Rose as its first director, the Women's Studies Department at the University of Nevada, Las Vegas, offers an undergraduate degree and graduate certificate in Women's Studies; and

WHEREAS, In addition to satisfying core curriculum requirements, the diverse course offerings in these academic programs at our state universities prepare students for a multitude of future careers and provide the students with insights into the ways in which such factors as gender, race, ethnicity, class, sexuality and age shape their lives; and

WHEREAS, Created in 1999 by Dr. Joanne Goodwin and Caryll Dziedziak, the Women's Research Institute of Nevada at the University of Nevada, Las Vegas, is a statewide research and policy center dedicated to improving the lives of women in Nevada through research and education, including through its publication of the *Status of Women in Nevada Report* and the creation of the Las Vegas Women Oral History Project; and

WHEREAS, Sponsored by the Women's Research Institute of Nevada and graduating its first class in 2003, the National Education for Women's (NEW) Leadership Nevada is an award-winning program open to all college students in Nevada which encourages students to take on public leadership and policymaking roles; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 75th Session of the Nevada Legislature proclaim March 2009 as Women's History Month in celebration of the tremendous contributions that women have made to this nation and this State.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblywoman McClain.

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

## ASSEMBLYWOMAN MCCLAIN:

March of each year is designated as National Women's History month, with resolutions passed by Congress and many states to honor achievements of women from all walks of life. It is important to our state to recognize women in our history who have contributed to the strength of our state. Famous women leaders in Nevada—from Sarah Winnemucca to our first female Speaker of the State Assembly and the hundreds of Nevada women leaders who helped shape the Nevada culture—are recognized in this resolution.

Nevada women obtained the right to vote in 1914, six years before the *U.S. Constitution* was amended. In addition to political involvement as voters and elected officials, countless women have served and continue to serve as grassroots organizers. One of our early pioneers was Ann Martin, who ran for the U.S. Senate in 1918. Another one of our early leaders was our beloved Maya Miller, who ran for the U.S. Senate in 1974. While these two brave women were not successful in their congressional bids, they laid the groundwork for many of us who have successfully been elected to political offices across the state in the past 50-plus years. Nevada ranked second in the nation in 1999 for the number of women in the Legislature, with the first, Assemblywoman Sadie Hurst, being elected in 1918.

Today during National Women's History Month, we are highlighting two programs that have emerged from that history: the Women's Studies programs at UNR and UNLV. We honor the pioneers of those programs and can only imagine the opposition they must have faced in establishing degree programs around the study of women's accomplishments and awareness of gender issues in our society. These two highly successful programs provide statewide research and support for the Oral History Project, the New Leadership Program, and diverse courses in academic programs that prepare students for many careers in leadership roles in our state.

It is my honor to support National Women's History Month for our great State of Nevada. Thank you, Mr. Speaker pro Tempore.

Resolution adopted.

Resolution ordered transmitted to the Senate.

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

Assembly in recess at 11:24 a.m.

## ASSEMBLY IN SESSION

At 11:29 a.m.

Madam Speaker presiding.

Quorum present.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McClain, Arberry, Koivisto, Ohrenschall, Anderson, Aizley, Bobzien, Buckley, Claborn, Conklin, Denis, Hogan, Kirkpatrick, Leslie, Mastroluca, Mortenson, Munford, Pierce, and Smith:

Assembly Bill No. 260—AN ACT relating to older persons; requiring the Unit for the Investigation and Prosecution of Crimes Against Older Persons within the Office of the Attorney General to prepare and make available on the Internet an on-line course for the training of certain persons who are required to report certain crimes against older persons; mandating that the persons required to report those crimes complete the course not less than once each year; and providing other matters properly relating thereto.

Assemblywoman McClain moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Spiegel, Hardy, Smith, Hambrick, Hogan, Manendo, Mortenson, Pierce, and Stewart:

Assembly Bill No. 261—AN ACT relating to osteopathic medicine; authorizing the State Board of Osteopathic Medicine to issue special volunteer licenses to practice osteopathic medicine in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 262—AN ACT relating to marriage; allowing certain married persons to remarry each other; revising the age for which consent of a parent, guardian or court is required to be married; revising provisions governing the documentation a person is required to present to obtain a marriage license; providing for the collection of additional fees relating to a marriage license; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 263—AN ACT relating to public health; requiring the Aging Services Division of the Department of Health and Human Services to establish a program of all-inclusive care for the elderly in certain counties; requiring the Division to adopt regulations and to establish a schedule of fees for services provided under the program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 264—AN ACT relating to criminal procedure; revising provisions relating to procedures for the commitment to and conditional release from the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services of certain criminal defendants whom the court finds to be incompetent; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Denis:

Assembly Bill No. 265—AN ACT relating to juvenile justice; authorizing a juvenile court to impose certain penalties on a child who disobeys the terms of certain orders of disposition made by the juvenile court; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 266—AN ACT relating to lighters; prohibiting the sale of novelty lighters; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 267—AN ACT relating to the taxation of property; repealing the provisions that require the assessment of property used as a golf course as an open-space use; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Christensen and Pierce; Senators Lee and Copenig:

Assembly Bill No. 268—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for certain types of chemotherapy; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Buckley, Leslie, Smith, Kirkpatrick, Anderson, Arberry, and Ocegüera:

Assembly Bill No. 269—AN ACT relating to children; making various changes concerning the eligibility of children who do not reside with a parent or legal guardian for Medicaid and the provision of medical treatment and services to such children; and providing other matters properly relating thereto.

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

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



Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:36 a.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Conklin withdrew the motion that Assembly Bill No. 269 be referred to the Committee on Health and Human Services.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Conklin, Buckley, Kihuen, Koivisto, Hogan, Anderson, Arberry, Bobzien, Claborn, Denis, Horne, Kirkpatrick, Leslie, Manendo, McClain, Parnell, Pierce, Segerblom, and Smith:

Assembly Bill No. 270—AN ACT relating to prescription drugs; restricting under certain circumstances the disclosure of records relating to prescriptions that contain data which identifies the patient or the prescribing practitioner; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 271—AN ACT relating to convicted persons; requiring the Office of Court Administrator to collect fines, administrative assessments, fees and restitution from a person convicted of certain offenses; providing that a person convicted of certain offenses may be placed on administrative probation under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Christensen, Conklin, Gansert, and Kirkpatrick:

Assembly Bill No. 272—AN ACT relating to real estate; defining “broker's price opinion”; authorizing a licensee to prepare a broker's price opinion under certain circumstances; specifying required contents of a broker's price opinion; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 27.

AN ACT relating to state financial administration; revising the provisions governing the Fund to Stabilize the Operation of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Fund to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is a special revenue fund into which surplus state revenues are deposited to be used in case of fiscal emergencies. Under existing law, the State Controller is required to deposit to the credit of the Fund 40 percent of the unrestricted balance of the State General Fund, as of the end of the previous fiscal year, that remains after subtracting an amount equal to 10 percent of all appropriations made from the State General Fund during that fiscal year for the operation of the State Government and the funding of schools. (NRS 353.288) Section 2 of this bill reduces from 10 percent to 7 percent the amount of the appropriations subtracted in calculating the current ~~deposit into~~ **transfer to** the Fund each biennium that is set forth in existing law. ~~Section~~ **Commencing with the fiscal year that begins on July 1, 2011, section 2** also requires the State Controller to ~~place an additional deposit in~~ **transfer from the State General Fund to** the Fund **to Stabilize the Operation of the State Government** at the beginning of each fiscal year ~~of~~ 1 percent of the total anticipated revenue projected for that fiscal year by the Economic Forum in May of odd-numbered years, as adjusted by any legislation enacted by the Legislature that affects state revenue ~~during~~ **for** that fiscal year. Existing law requires that all projections of revenue and any other information concerning future state revenue contained in the proposed budget for the Executive Department of the State Government be based upon the projections and estimates prepared by the Economic Forum. (NRS 353.228, 353.230)

Section 2 of this bill also increases the maximum balance allowed in the Fund **to Stabilize the Operation of the State Government** from 15 percent to 20 percent of the total of all appropriations from the State General Fund for the operation of the State Government and the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for ~~that~~ **the** fiscal year ~~in which that revenue will be transferred to the Fund to Stabilize the Operation of the State Government.~~

**Finally, section 2 of this bill provides that the money transferred to the Fund to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money to offset a budget shortfall or fiscal emergency in certain specified circumstances and clarifies the responsibility for determining whether the specified circumstances exist. Section 2 sets forth the procedure for the transfer of money in the Fund to Stabilize**

**the Operation of the State Government to the State General Fund by the Interim Finance Committee after a determination or declaration of such a budget shortfall or fiscal emergency.**

Under existing law, the proposed budget for the Executive Department of the State Government for each fiscal year of a biennium is required to include a reserve of not less than 5 percent or more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year. (NRS 353.213) Section 1 of this bill requires an additional reservation in the proposed biennial budget of an amount equal to 1 percent of the total anticipated revenue projected for each fiscal year of the biennium by the Economic Forum in December of even-numbered years, as adjusted by any changes or adjustments to state revenue recommended in the proposed budget for that biennium. This reserved money, as further adjusted by the Economic Forum in May **of odd-numbered years** and by any applicable legislation, is the money that will be ~~deposited~~ **transferred** by the State Controller ~~from the State General Fund to~~ the Fund to Stabilize the Operation of the State Government at the beginning of each fiscal year of the biennium pursuant to section 2, **of this bill. The proposed budget for the period that begins on July 1, 2011, and ends on June 30, 2013, is the first biennial budget for which such a reservation is required.**

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

Section 1. NRS 353.213 is hereby amended to read as follows:

353.213 1. In preparing the proposed budget for the Executive Department of the State Government for each biennium, the Chief shall not exceed the limit upon total proposed expenditures for purposes other than construction and reducing any unfunded accrued liability of the State Retirees' Health and Welfare Benefits Fund created by NRS 287.0436 from the State General Fund calculated pursuant to this section. The base for each biennium is the total expenditure, for the purposes limited, from the State General Fund appropriated and authorized by the Legislature for the biennium beginning on July 1, 1975.

2. The limit for each biennium is calculated as follows:

(a) The amount of expenditure constituting the base is multiplied by the percentage of change in population for the current biennium from the population on July 1, 1974, and this product is added to or subtracted from the amount of expenditure constituting the base.

(b) The amount calculated pursuant to paragraph (a) is multiplied by the percentage of inflation or deflation, and this product is added to or subtracted from the amount calculated pursuant to paragraph (a).

(c) Subject to the limitations of this paragraph:

(1) If the amount resulting from the calculations pursuant to paragraphs (a) and (b) represents a net increase over the base biennium, the Chief may increase the proposed expenditure accordingly.

(2) If the amount represents a net decrease, the Chief shall decrease the proposed expenditure accordingly.

(3) If the amount is the same as in the base biennium, that amount is the limit of permissible proposed expenditure.

~~{→}~~

3. The proposed budget for each fiscal year of the biennium must provide for a reserve of ~~{not}~~ :

(a) *Not* less than 5 percent ~~{not}~~ *or* more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year ~~{~~

~~3-}~~ ; and

(b) ~~{One}~~ *Commencing with the proposed budget for the period that begins on July 1, 2011, and ends on June 30, 2013, 1 percent of the total anticipated revenue for each of the two fiscal years of the biennium for which the budget is proposed, as projected by the Economic Forum for each of those fiscal years pursuant to paragraph (d) of subsection 1 of NRS 353.228 and as adjusted by any changes or adjustments to state revenue that are recommended in the proposed budget for those fiscal years.*

4. The revised estimate of population for the State issued by the United States Department of Commerce as of July 1, 1974, must be used, and the Governor shall certify the percentage of increase or decrease in population for each succeeding biennium. The Consumer Price Index published by the United States Department of Labor for July preceding each biennium must be used in determining the percentage of inflation or deflation.

~~{4-}~~ 5. The Chief may exceed the limit to the extent necessary to meet situations in which there is a threat to life or property.

~~{5-}~~ 6. As used in this section, “unfunded accrued liability” means a liability with an actuarially determined value which exceeds the value of the assets in the fund from which payments are made to discharge the liability.

Sec. 2. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Fund to Stabilize the Operation of the State Government is hereby created as a special revenue fund. Except as otherwise provided in subsections ~~{2}~~ 3 and ~~{3}~~ 4, each year after the close of the *previous* fiscal year and before the issuance of the State Controller’s annual report, the State Controller shall ~~{deposit to the credit of}~~ *transfer from the State General Fund to* the Fund ~~{40}~~ *to Stabilize the Operation of the State Government:*

(a) *Forty* percent of the unrestricted balance of the State General Fund, as of the close of the *previous* fiscal year, which remains after subtracting an amount equal to ~~{10}~~ 7 percent of all appropriations made from the State

General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools ~~{-}~~; and

(b) ~~{One}~~ Commencing with the fiscal year that begins on July 1, 2011, 1 percent of the total anticipated revenue for the fiscal year in which the ~~{deposit}~~ transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.

2. Money transferred pursuant to subsection 1 to the Fund to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Fund ~~{-}~~ to Stabilize the Operation of the State Government, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount, must not exceed ~~{15}~~ 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be ~~{deposited in}~~ transferred to the Fund ~~{-~~ to Stabilize the Operation of the State Government.

4. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Fund to Stabilize the Operation of the State Government during the previous quarter, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount created pursuant to NRS 414.135. The State Controller shall not transfer more than \$500,000 for any quarter pursuant to this subsection.

~~{4. Money}~~

5. The Chief of the Budget Division of the Department of Administration may submit a request to the State Board of Examiners to transfer money from the Fund to Stabilize the Operation of the State Government ~~{may be appropriated only}~~ to the State General Fund:

(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the ~~{appropriation is}~~ transfer will be made ~~{-}~~, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or

(b) If the Legislature , or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.

**6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.**

**7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.**

**Sec. 2.5. 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, ~~353.288~~ and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650. 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. 3. [The provisions of NRS 353.213 and 353.288, as amended by sections 1 and 2 of this act, apply initially to Fiscal Year 2011-2012.]~~

**1. The Governor shall provide initially for the reserve required pursuant to paragraph (b) of subsection 3 of NRS 353.213, as amended by section 1 of this act, in the proposed biennial budget for the period that begins on July 1, 2011, and ends on June 30, 2013.**

**2. The fiscal year that begins on July 1, 2011, is the initial fiscal year in which a transfer of money must be made from the State General Fund to the Fund to Stabilize the Operation of the State Government pursuant to paragraph (b) of subsection 1 of NRS 353.288, as amended by section 2 of this act.**

Sec. 4. This act becomes effective on July 1, 2009.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 29, 39, 60, 69, 73, 136, 154, 169, and 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 133, 173 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCUS CONKLIN, *Chairman*

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 103; Assembly Concurrent Resolutions Nos. 12, 13; Senate Concurrent Resolution No. 13.

##### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Essex.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Felice White.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Byllie D'Amato Andrews, Jill Winter, Barbara Straight, and Julianna Ormsby.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Hicks.

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

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

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Dorie Guy.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Parker.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Cyril Murphy, Sheila Portillo, Lynn Goya, Valerie McNay, and Anna Murphy.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Connol and Addie Crisp.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Eddy.

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

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Amdal.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Alisha Nielson-Twitchell.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Huckle and Mayra Rodriquez.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Stewart, Joann Goodwin, Sue Rhodes, and Brian Robinson.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Daniele Monroe-Moreno and Rose Joan Wade.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Monique Sulls, Mia Ji, and Christine Smith.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and parents of the Nevada Homeschool Network: Steve Ceresola, Dario Ceresola, Alixi Ceresola, Daunte Ceresola, Terry Schendel, Madeline I.S. Bush, Jessica Sykes, Sydney Sykes, Tatum Sykes, Sarah Sykes, Renee Breen, Devon Breen, Alex Breen, Noah Breen, Ethan Breen, Anita Ortiz, Elizabeth Ortiz,



Karen McRae, Olyvia Grace McRae, Isabelle Hope McRae, Dawn Johansen, Jeremiah Johansen, John Johansen, Debbie Blakely, Zachary Blakely, Coleman Blakely, Gavin Blakely, Amelia Blakely, Jessica Fuhrmann, Trindy Fuhrmann, Tiera Fuhrmann, Mark Voderbruggen, Larena Fry, Dillon Voderbruggen, Brandi Jo Voderbruggen, Heather Haddox, Eli Haddox, Anzo Haddox, Abi Haddox, Zoe Haddox, Anna Goodwin, Sierra Goodwin, Ashley Goodwin, Raven Burdoin, Jake Burdoin, Catherine Cota, Dominique Cota, Sarah Cota, Dawn Lee, Amber Lee, Adam Lee, David Lee, Erika Hansen, Kjeleena Hansen, Isaiah Hansen, Carolin Hansa, Eric Beavers, Emerson Eli Hansa-Beavers, Vicki Stilz, Jennifer Stilz, Sheri Campbell, Paige Campbell, Megan Campbell, Jennifer Purciel, Ryan Purciel, Rylee Purciel, Pam Lehan, Caitlin Lehan, Lydia Lehan, Aimee McDonald, Kyle McDonald, Kaitlyn McDonald, Kallie McDonald, Kendall McDonald, Ruth Faigan, Sierra Faigan, Haley Faigan, Krista Cornell, Nate Cornell, Laurie Perez, Christian Perez, Lisa Swift, Scott Swift, Grant Swift, Weston Swift, Kelley Radow, Adam Radow, Gabriel Radow, Missy Pique, Dakota Pique, Caleb Pique, Jennifer MacMillan, James MacMillan, Kathy Esau, Roslyn Esau, Isabel Esau, Rolanda Chambers, Hunter Chambers, Charisse Isbell Chambers, Uma Lord, Venus Lord, Kyle Hollingshead, Jack Hollingshead, Tim Suessmith, and Samantha Suessmith.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Marie Alzaga and Samantha Vernon.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Severt, Mike Sprinkle, and Austin Sprinkle.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Hampton and Christine Allison.

Assemblyman Oceguela moved that the Assembly adjourn until Tuesday, March 10, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved:

BARBARA E. BUCKLEY  
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL

*Chief Clerk of the Assembly*