

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 10, 2009

Assembly called to order at 11:19 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Denis and Mastroluca, who were excused.

Prayer by the Chaplain, President William Brewer.

Heavenly Father, we thank Thee for the opportunity to gather in this free land as a public body to discuss the business of the people of Nevada. We thank Thee for the freedoms we enjoy, and for this blessing of being able to govern ourselves. We ask Thee to bless these men and women who sacrifice much to do this work. We ask Thee to bless them that they may be guided in their efforts and that they would make decisions that will be for the greatest good of our people. Bless them that they would take care to maintain liberty, honor, virtue, and protect the families of Nevada. Bless them with joy in their work, and bless us as citizens, to be engaged with them in this process. We thank Thee and ask for these blessings in the name of Jesus Christ.

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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 78; Senate Bills Nos. 38, 39, 109, 139, 142; Senate Joint Resolution No. 4.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Goedhart, Cobb, Goicoechea, Grady, Gustavson, Hambrick, Settelmeyer, and Stewart:

Assembly Joint Resolution No. 4—Proposing to amend the Nevada Constitution to provide for tax rebates for certain eligible pupils who attend private schools.

Legislative Counsel's Digest:

The Nevada Constitution provides for a uniform system of common schools and provides for their support and maintenance by direct legislative appropriation from the general fund. (Nev. Const. Art. 11, §§ 2, 6) This resolution proposes to amend the Nevada Constitution to provide education

tax rebates to parents or legal guardians of pupils enrolled in private schools of their choice in certain circumstances.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 11 of the Nevada Constitution be amended to read as follows:

~~Section~~ *Sec. 2. 1.* The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year, and any school district which shall allow instruction of a sectarian character therein may be deprived of its proportion of the interest of the public school fund during such neglect or infraction, and the legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.

2. In addition to establishing and maintaining common schools, the legislature shall establish a companion program of per pupil funding which provides an education tax rebate to parents or legal guardians of eligible pupils enrolled in the private school of their choice using a portion of the money that would otherwise be paid to a school district on behalf of that pupil. A parent or legal guardian may be eligible for an education tax rebate if the following criteria are satisfied:

- (a) The pupil is a resident of this State;*
- (b) The pupil has not graduated from high school or otherwise received a high school diploma;*
- (c) The pupil has not attained the age of 21 years before the beginning of the school year or during the school year for which the education tax rebate is requested; and*
- (d) The private school in which the pupil is enrolled must be located in this State and licensed in accordance with applicable state law.*

3. Notwithstanding any other provision of this Constitution or state statute to the contrary, the education tax rebate must, except as otherwise provided in this subsection, be equal to 75 percent of the basic support guarantee per pupil, as established by law for the current fiscal year for public schools for pupils in grades 1 to 12, inclusive. If the actual direct costs of attending the private school chosen by the parents or legal guardian of the pupil are less than the amount of the education tax rebate specified in this subsection, the amount of the education tax rebate must be reduced accordingly.

4. The education tax rebate is provided to the parents or legal guardians of eligible pupils for the purpose of enrolling the pupil in the private school of their choice. If the parents or legal guardian enroll the pupil in a licensed private sectarian school, the education tax rebate shall not be deemed to violate the provisions of sections 2 and 10 of this Article regarding sectarian instruction or purpose.

5. Except as the legislature may otherwise provide by law, the school district in which the pupil participating in the education tax rebate program attends school or the school district in which the pupil resides is not required to provide transportation for the pupil to attend the private school.

6. The provisions of this article are self-executing, but the legislature may provide by law for procedures to facilitate the operation thereof, including, without limitation, procedures:

- (a) Establishing the process for submitting an application for an education tax rebate, including proof of the age of the pupil; and*
- (b) Establishing appropriate safeguards to ensure that the education tax rebates which are provided are spent only as authorized by this section.*

7. If any of the provisions of subsections 2 to 6, inclusive, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the provisions or application of subsections 2 to 6, inclusive, which can be given effect without the invalid provision or application, and to this end the provisions of subsections 2 to 6, inclusive, are declared to be severable.

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

Motion carried.

Senate Joint Resolution No. 4.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hogan, Pierce, Ohrenschall, Claborn, Kihuen, Koivisto, Mortenson, Munford, and Segerblom:

Assembly Bill No. 273—AN ACT relating to peace officers; authorizing a peace officer to use a taser on a person only as an alternative to deadly force and under certain circumstances; requiring each law enforcement agency to adopt regulations governing the use of tasers by its officers and to establish and maintain a database of each use of a taser by a peace officer; providing that each such database is a public record; prohibiting the issuance of a taser to a peace officer unless the taser is equipped with a camera; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Aizley, Conklin, Ohrenschall, Koivisto, Atkinson, Bobzien, Goicochea, Kirkpatrick, Manendo, Mastroluca, and Segerblom:

Assembly Bill No. 274—AN ACT relating to retail installment sales; defining certain terms and revising certain definitions relating to retail installment sales; requiring that certain disclosures be made to a retail buyer; requiring that certain provisions relating to default be included in credit applications or contracts for the sale of vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 275—AN ACT relating to taxation; repealing the excise tax imposed on banks that is based on the number of branch offices maintained in this State; reducing the rate of the tax imposed on financial institutions that is based on wages paid to employees; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Gansert moved that the action whereby Assembly Bill No. 275 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Gansert moved that Assembly Bill No. 275 be referred to the Committee on Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goedhart, Carpenter, Christensen, Cobb, Gansert, Goicoechea, Grady, Hambrick, Hardy, Settlemeyer, Stewart, and Woodbury:

Assembly Bill No. 276—AN ACT relating to water; prohibiting the State Engineer from considering a protest to an application to appropriate water that is filed by a governmental agency or political subdivision of a government unless the protest is approved and signed by the person in charge of the agency or political subdivision; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, McClain, Leslie, Aizley, Atkinson, Bobzien, Carpenter, Conklin, Denis, Dondero Loop, Horne, Kihuen, Kirkpatrick, Manendo, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, and Smith:

Assembly Bill No. 277—AN ACT relating to intoxicating liquor; increasing the excise tax on liquor; requiring the additional revenue be used for genetic marker testing of certain criminal offenders and for certain programs of treatment for the abuse of alcohol or drugs established in judicial districts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Parnell, Aizley, Atkinson, Bobzien, Carpenter, Christensen, Denis, Dondero Loop, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Horne, Kihuen, Kirkpatrick, Leslie, Manendo, McArthur, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Segerblom, Smith, and Spiegel:

Assembly Bill No. 278—AN ACT relating to the Public Employees' Benefits Program; requiring a local governmental agency that participates in the Program to provide certain written notification before withdrawing from the Program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Horne, Ohrenschall, Atkinson, Denis, Dondero Loop, Hambrick, Kihuen, Leslie, Manendo, Mortenson, Munford, Oceguera, Parnell, Segerblom, Smith, and Spiegel:

Assembly Bill No. 279—AN ACT relating to offenders; requiring the preservation of certain biological evidence under certain circumstances; providing for certain postconviction petitions pertaining to certain biological evidence; authorizing certain persons to be committed to the Department of Corrections for evaluation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 280—AN ACT relating to support; enacting revisions to the Uniform Interstate Family Support Act; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Conklin:

Assembly Bill No. 281—AN ACT relating to industrial insurance; creating an expedited appeals process for certain claims by police officers, firefighters and emergency medical attendants; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gansert, Carpenter, Christensen, Cobb, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Settlemeyer, Stewart, and Woodbury:

Assembly Bill No. 282—AN ACT relating to the Public Employees' Retirement System; amending the eligibility requirements for retirement of certain members of the System whose effective date of membership is on or after July 1, 2009; requiring that a portion of the unrestricted balance in the State General Fund at the end of each biennium be deposited in the Public Employees' Retirement Fund under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Concurrent Committee on Government Affairs and Ways and Means.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 283—AN ACT relating to victims of crime; removing the limitation on the amount of compensation that may be awarded to certain victims of crime, the dependents of those victims and certain members of the victim's household; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Christensen, Anderson, Atkinson, Gansert, Hambrick, Kirkpatrick, Manendo, McArthur, and Settlemeyer; Senators Hardy, Cegavske, and Lee:

Assembly Bill No. 284—AN ACT relating to homeland security; increasing the number of voting members of the Nevada Commission on Homeland Security; revising provisions governing the confidentiality of vulnerability assessments and emergency response plans of utilities in this State; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Christensen, Atkinson, Anderson, Arberry, Buckley, Conklin, Gansert, Hambrick, Hardy, Kirkpatrick, Manendo, McArthur, Parnell, Settlemeyer, and Stewart; Senators Wiener, Carlton, Cegavske, Hardy, and Lee:

Assembly Bill No. 285—AN ACT relating to education; requiring the boards of trustees of school districts to adopt a policy for the elementary schools within the school district to provide a certain amount of time each school day for physical activity; requiring the boards of trustees of school districts to grant the use of school buildings and grounds without charge to nonprofit organizations, county departments of parks and recreation or other entities for physical activities; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Christensen, Arberry, Anderson, Gansert, Hambrick, Hardy, Kirkpatrick, Manendo, McArthur, Settlemeyer, and Stewart; Senators Hardy, Cegavske, and Lee:

Assembly Bill No. 286—AN ACT relating to trespassing; revising the provisions governing the crime of trespassing; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 38.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 39.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 109.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 139.

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

Motion carried.

Senate Bill No. 142.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 133.

Bill read second time and ordered to third reading.

Assembly Bill No. 173.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that COVEREDGE: Daniel Bryant, Randy Hunter; KOLO-TV: Kendra Kostecky; KRNv-TV: Robbie Beasom, Calli Fisher, Gem Gokmen, Meredith Richardson; NOW on PBS: Alexandra Dean, Yasmeen Qureshi; REYNOLDS SCHOOL OF JOURNALISM (UNR): Jeff Mosier, Emily Stott be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Segerblom moved that Assembly Joint Resolution No. 3 of the 74th Session be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 3 of the 74th Session.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 29, 39, 60, 69, 73, 136, 154, 165, 169, and 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 5.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 5.

Assemblyman Horne moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Joint Resolution No. 5:

YEAS—40.

NAYS—None.

EXCUSED—Denis, Mastroluca—2.

Senate Joint Resolution No. 5 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 15.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 15.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblymen Leslie, Manendo, and Hardy.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Horne, Atkinson, Conklin, Ocegüera, Anderson, Arberry, Buckley, Hambrick, Kirkpatrick, Manendo, Mortenson, Segerblom, and Spiegel; Senator Parks:

Assembly Bill No. 287—AN ACT relating to appraisals of real estate; prohibiting the improper influence of the results of an appraisal under certain circumstances; revising provisions governing unprofessional conduct and disciplinary action for appraisers; prohibiting certain professionals from improperly influencing the results of an appraisal; and providing other matters properly relating thereto.

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

Motion carried.

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 Wooster High School: Yecenia Garcia, Bernadette McCarty, Bailey Hill, Adam Fox, Justin Reid, Breanna Brown, Kristy Furgason, Brandi Montoya, Cinthia Monroy, Mike Evans, Juan Garcia, Francisco Gonzalez, Jonathan Carbajal, Ferdy Carpio, Sinead Boston, Alex Sanchez, Lynn Iosua, Gladys Pintor, Ellen Rahn, Marsha Najera, Freddy Wartella, Vanessa Robbins, Jamie Swigert, Jeremy Packer, Jaeanne Landaker, Jesse Smith, Nick Flores, Nicole Lucido, Niles Solberg, Amanda Sather, Crystal Godoy-Williamson, Jamie Espinoza, Jordan Byrne, Joey Winkler, Alvin Segura, Maddy Markiewitz, Leslie Somoza, Mayra Santiago, Samantha Bridegum, Ricardo Torres,

Michael Christy, Lloyd Clark, Jesse Carpio, Eduardo Hernandez, Jose Roque, Maverick Hernandez, Angelica Herrera, Christian Galindo, Stephanie Arce, and Dennis Najera.

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 Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Brooks, Martha Durney, Nicole Donald, David Bobzien Sr., and Cathy Bobzien.

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

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Golod and Jane Airth.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Krystal Gallagher and Krissta Kirschenheifer.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Isaiah Price.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Rose Jones Wade.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas J. C. Chen and Dean H. L. Wang.

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 Chris Kelley and Bob Griffin.

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

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

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Amie Fender and Nathan Sosa.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Michael DeLee.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Khamis.

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

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly