

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 12, 2009

Assembly called to order at 11:21 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblymen Christensen, Gansert, Hardy, and Koivisto, who were excused.

Prayer by the Chaplain, Brother Shane Jenkins.

Our Father in Heaven, we thank Thee for the opportunity to be gathered as Thy children in this great Assembly. We thank Thee for the men and women who give of their time and talents in order to serve the people of Nevada. We are thankful, Father, that we live in this great land and thank Thee for the blessings that Thou hast given unto us and for the leadership of those who have been elected by the people. We ask Thee to be with and bless the Assembly that they may be led in the decisions that they will make this day. Bless them that Thy spirit will be with them to provide insight and inspiration that they may act upon those items that will provide the most benefit and security to those they serve. Bless their families that they will be watched over and protected while they are engaged in this great work. We thank Thee, Father, for the opportunities and freedoms we enjoy while living in this, the United States of America. 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.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chairman*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 199, 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 2009

To the Honorable the Assembly:

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

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Segerblom, Ohrenschall, Koivisto, Buckley, McClain, Aizley, Anderson, Arberry, Atkinson, Claborn, Denis, Goicoechea, Hogan, Horne, Kihuen, Manendo, Mastroluca, Mortenson, Munford, Ocegüera, Pierce, Settelmeyer, and Smith; Senators Horsford, Coffin, Schneider, Breeden, Hardy, and Woodhouse:

Assembly Joint Resolution No. 6—Proposing to amend the Nevada Constitution to provide for annual legislative sessions and to provide that members of the Legislature be compensated for each day of a regular legislative session.

Legislative Counsel's Digest:

Existing provisions of the Nevada Constitution provide for biennial legislative sessions of 120 days and authorize members of the Legislature to receive compensation for the first 60 days of each regular session. This resolution proposes to amend the Nevada Constitution to provide for annual legislative sessions of 120 days in each odd-numbered year and of 60 days in each even-numbered year. (Nev. Const. Art. 4, § 2) The resolution further proposes to amend the Nevada Constitution to provide compensation for Legislators for each day of service during regular sessions. (Nev. Const. Art. 4, § 33)

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be ~~biennial,~~ **annual**, and shall commence on the 1st Monday of February, ~~following the election of members of the Assembly,~~ unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

2. The Legislature shall adjourn sine die each regular session **held in an odd-numbered year** not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

3. **The Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight Pacific standard time 60 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 60th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.**

4. The Governor shall submit :

(a) **In odd-numbered years**, the proposed executive budget ; **and**

(b) **In even-numbered years, any proposed appropriations or proposed revisions to the executive budget,**

↪ to the Legislature not later than 14 calendar days before the commencement of each regular session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. ~~33~~ 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed ~~60~~ 120 days during any regular session of the legislature **conducted during an odd-numbered year, not to exceed 60 days during any regular session of the Legislature conducted during an even-numbered year**, and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter. ~~Biennially.~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~January 1 of the year preceding the year in which a regular session of the Legislature is held.~~ **1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.** After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and

take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Segerblom 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 Goedhart, Carpenter, Christensen, Gansert, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Settlemeyer, Stewart, and Woodbury; Senators Lee and McGinness (by request):

Assembly Bill No. 303—AN ACT relating to state financial administration; revising the distribution of federal money received by the State of Nevada from mineral leases on federal lands in this State; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Segerblom, Ohrenschall, Aizley, Arberry, Atkinson, Claborn, Hogan, Horne, Kihuen, Koivisto, Manendo, Mortenson, Munford, Pierce, Smith, and Stewart; Senator Coffin:

Assembly Bill No. 304—AN ACT relating to land use regulation; making various changes pertaining to the preservation of existing neighborhoods, including historic neighborhoods; allowing certain providers of utility service to apply for and receive a rate adjustment to incorporate the costs of placing certain facilities underground; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 305—AN ACT relating to cultural affairs; providing for the Administrator of the Division of Museums and History of the Department of Cultural Affairs to require a museum director or a member of his staff to perform the functions of State Paleontologist; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 306—AN ACT relating to periods of observance; designating the month of April of each year as “Paleontological Awareness Month” in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Aizley, Bobzien, Ohrenschall, Dondero Loop, Grady, Hogan, Mastroluca, McClain, and Segerblom; Senator Amodei:

Assembly Bill No. 307—AN ACT relating to property taxes; revising provisions governing the publication of certain information relating to property taxes for certain counties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Koivisto, Claborn, Ohrenschall, McClain, Smith, Aizley, Anderson, Arberry, Atkinson, Bobzien, Buckley, Conklin, Dondero Loop, Hogan, Horne, Kihuen, Kirkpatrick, Manendo, Mastroluca, Mortenson, Munford, Oceguela, Pierce, Segerblom, and Spiegel:

Assembly Bill No. 308—AN ACT relating to labor organizations; authorizing a labor organization to require an employee in a bargaining unit who is not a member of the labor organization to pay a service fee to the labor organization under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Koivisto, McClain, Manendo, Leslie, Bobzien, Aizley, Anderson, Arberry, Atkinson, Claborn, Conklin, Dondero Loop, Hambrick, Hogan, Horne, Kihuen, Kirkpatrick, Mastroluca, Mortenson, Munford, Oceguela, Ohrenschall, Parnell, Segerblom, Smith, and Spiegel; Senators Carlton, Breeden, Parks, Copening, Wiener, Coffin, Mathews, Schneider, and Woodhouse:

Assembly Bill No. 309—AN ACT relating to crimes; revising provisions relating to the crime of stalking; increasing the penalties for the crime of stalking; revising the provisions relating to orders for protection against stalking, aggravated stalking and harassment; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 310—AN ACT relating to medicine; discounting the fee for registration for certain physicians; discounting the fee for renewal of a license for certain homeopathic physicians, osteopathic physicians,

chiropractic physicians and podiatric physicians; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Settlemeyer, Aizley, Bobzien, Buckley, Carpenter, Christensen, Cobb, Conklin, Denis, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Kirkpatrick, Manendo, Mastroluca, McArthur, Smith, Stewart, and Woodbury; Senators Amodei, Hardy, and Washington:

Assembly Bill No. 311—AN ACT relating to common-interest communities; revising provisions governing the audit and review of financial statements of common-interest communities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gansert and Hardy:

Assembly Bill No. 312—AN ACT relating to physicians; revising provisions related to a special volunteer medical license; 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 Assemblymen Pierce, Bobzien, Buckley, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, and Segerblom; Senator Parks:

Assembly Bill No. 313—AN ACT relating to property; limiting the amount of fees a landlord may charge for a late or partial rent payment; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Woodbury, Hardy, Ocegüera, Ohrenschall, Aizley, Atkinson, Bobzien, Buckley, Carpenter, Christensen, Cobb, Conklin, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Kihuen, Kirkpatrick, Manendo, Mastroluca, McArthur, Munford, Parnell, Settlemeyer, Spiegel, and Stewart; Senators Wiener, Carlton, Copening, Hardy, and Parks:

Assembly Bill No. 314—AN ACT relating to dentistry; authorizing the Board of Dental Examiners of Nevada to issue limited permits to treat patients under certain circumstances as part of a supervised course of dental education; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Woodbury, Gansert, Aizley, Bobzien, Carpenter, Christensen, Cobb, Dondero Loop, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, Kihuen, Kirkpatrick, Manendo, McArthur, Munford, Ohrenschall, Settlemeyer, and Stewart; Senators Lee, Wiener, Breeden, Copening, Hardy, and Parks:

Assembly Bill No. 315—AN ACT relating to crimes; revising the provisions pertaining to crimes relating to pornography involving minors; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Atkinson, Conklin, Buckley, Carpenter, Claborn, Dondero Loop, Hambrick, Kihuen, Kirkpatrick, Leslie, Manendo, Mastroluca, McArthur, McClain, Mortenson, Ocegüera, Ohrenschall, Parnell, Pierce, Segerblom, and Smith; Senators Schneider, Wiener, Coffin, Copening, and Woodhouse:

Assembly Bill No. 316—AN ACT relating to telecommunications; requiring a provider of cellular or other service to a portable telephone to provide written notice to a customer of certain changes relating to the customer's cellular telephone service; requiring a provider of such service to prorate certain early termination fees or penalties under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 317—AN ACT relating to taxation; providing for the disbursement of a portion of the proceeds of the state tax imposed on certain businesses to regional organizations for economic development; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 216 be taken from the General File and placed on the General File for the next legislative day.

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 Bill Miller and Kring Miller.

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

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Cantacessi.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Maggi, Janice Roberts, Jan Ricks, Ginger VanBrunt, LaVerne Jory, Annie LaMonica, Sharon Anderson, Jeri Offenstein, Claudine Govier, Eileen Hedger, Ann Watts, Patsy Tolman, and Jean Siess.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Gayle Rogers and Linda Wilner.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Martz and Dianna Fyke.

Assemblyman Ocegüera moved that the Assembly adjourn until Friday, March 13, 2009, at 11 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly