

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 29, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Kirkpatrick, who was excused.

Prayer by the Chaplain, Reverend Ruth Hanusa.

Dear God, today it's still winter, though spring has begun. Today our hearts are wintry, grieving the death of Polly Gonzalez, though we trust Your promise of new life. Be with the family and friends of Polly during these days. Give them grace and strength sufficient for their journey ahead; give them bits of joy in the midst of their sadness; give them the assurance of Your ever abiding presence.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley 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

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 28, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 12, 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 93, 120.

MARY JO MONGELLI

Assistant Secretary of the Senate

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

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 2005

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. 14.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Gansert, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 14—Proclaims March 29, 2005, as Boys & Girls Club Day in Nevada.

WHEREAS, The future of the State of Nevada and its communities lies in its young people; and

WHEREAS, Today, in every community, many boys and girls are left to find their own recreation and companionship in the streets, and an increasing number of children are at home with no adult care or supervision; and

WHEREAS, With its humble beginnings in Hartford, Connecticut, in 1860, the Boys & Girls Clubs of America has grown to include a staff of 42,000 trained professionals and 168,000 adult volunteers who serve more than 4 million youth in approximately 3,400 locations in all 50 states, Puerto Rico and the Virgin Islands, plus domestic and international military bases; and

WHEREAS, The mission of the Boys & Girls Clubs of America is to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens by instilling in them a sense of competence, usefulness and belonging; and

WHEREAS, By providing an opportunity to learn and grow, to establish and maintain ongoing relationships with caring, adult professionals, and to participate in life-enhancing programs and experiences that promote character development, the Boys & Girls Clubs offer the important gifts of hope and opportunity to young people; and

WHEREAS, Through programs that emphasize character, leadership, education, career, health and life skills, the arts, sports, fitness and recreation, community mobilization and family involvement, the Boys & Girls Clubs of America have exposed members to new experiences, nurtured their undeveloped talents and inspired them to great achievements; and

WHEREAS, Although not all the members of Boys & Girls Clubs enjoy the celebrity status of alumni such as President Bill Clinton, Alex Rodriguez, Jackie Joyner-Kersey, Bill Cosby, Michael Jordan, Martin Sheen, Neil Diamond and Denzel Washington, many of the alumni of the Clubs have achieved the important successes in life, including gaining an education, raising a family, serving their country, pursuing a career and supporting the community; and

WHEREAS, Clubs active in Nevada include the Boys & Girls Clubs of Las Vegas, the Boys & Girls Clubs of Western Nevada, the Boys & Girls Club of Truckee Meadows, the Boys & Girls Clubs of Henderson, the Elko Boys & Girls Club, the Boys & Girls Club of Mason Valley, the Nellis Air Force Base Youth Center and the Boys & Girls Club of Fallon which recently opened on March 28, 2005; and

WHEREAS, April 3 to 9, 2005, has been proclaimed National Boys & Girls Club Week and will be celebrated by offering special events throughout the country that reach out to communities and illustrate the positive values and attitudes that the programs of the Boys & Girls Clubs deliver; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby proclaim March 29, 2005, as Boys & Girls Club Day in Nevada; and be it further

RESOLVED, That all Nevadans are called upon to recognize and commend the Boys & Girls Clubs in our State for providing comprehensive, effective services to the young people in our communities, and to join in any events being offered during National Boys & Girls Club Week; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Boys & Girls Clubs of Las Vegas, the Boys & Girls Clubs of Western Nevada, the Boys & Girls Club of Truckee Meadows, the Boys & Girls Clubs of Henderson, the Elko Boys & Girls Club, the Boys & Girls Club of Mason Valley, the Nellis Air Force Base Youth Center and the Boys & Girls Club of Fallon.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblywoman Gansert.

Resolution adopted.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 12—Urging the United States Department of Transportation to take action regarding federal cargo securement regulations.

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

Motion carried.

By Assemblywoman Parnell:

Assembly Concurrent Resolution No. 14—Directing the Legislative Commission to conduct an interim study regarding the effectiveness of financial incentives and enhanced compensation to attract and retain qualified teachers and regarding the expediency of test results on high school proficiency examination.

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

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 510—AN ACT relating to governmental publications; requiring state agencies and local governments to provide the State Publications Distribution Center of the State Library and Archives with notification of and access to certain electronic documents; revising provisions governing depository agreements; revising the manner in which the Center provides notice of the titles of publications received by the Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 511—AN ACT relating to tourism; authorizing the Executive Director of the Commission on Tourism to provide for the release and use of official publications of the Commission and certain information in the records and files of the Commission; authoring the Executive Director to charge and collect reasonable fees for the release and use of such publications and information; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 512—AN ACT relating to communications; authorizing the interception and recording of wire or oral communications in certain situations involving hostages and certain situations involving criminals or suspected criminals who are barricaded and resisting arrest; providing that wire or oral communications intercepted or recorded in such situations may be disclosed and introduced into evidence in judicial and administrative proceedings under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 513—AN ACT relating to education; requiring each public high school to prepare an annual report that includes certain information regarding teachers who provide instruction in the subject areas of mathematics and science and the results of pupils in those subject areas on the high school proficiency examination; requiring each school district and the Department of Education to compile and summarize the reports; revising

provisions governing the high school proficiency examination; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 514—AN ACT relating to education; making an appropriation to the Department of Education for distribution to schools to establish pilot programs that provide alternative educational settings for disruptive pupils; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 515—AN ACT relating to education; requiring certain employers to grant leave to parents and guardians to participate in certain school conferences and activities at a child's school; prohibiting the termination, demotion, suspension or discrimination or threat of termination, demotion, suspension or discrimination against such a parent or guardian for taking the leave; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 516—AN ACT relating to employment; providing immunity from civil liability for employers who disclose certain information regarding a current or former employee to a school district or charter school; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 517—AN ACT relating to educational personnel; revising the definition of "immorality" as used in the provisions governing the grounds for suspension, demotion, dismissal and refusal to reemploy licensed educational personnel to include the acts of assault against a pupil and corporal punishment administered upon a pupil; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 518—AN ACT relating to education; authorizing the board of trustees of a school district to prescribe the minimum attendance requirements for pupils who are enrolled in kindergarten or the first grade and for pupils who are enrolled in certain programs of remedial education; revising related provisions governing the attendance and truancy of pupils; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 519—AN ACT relating to the State Department of Agriculture; requiring the Department to immediately revoke the registry identification card of a participant in the State's medical marijuana program who has been convicted of knowingly or intentionally selling a controlled substance or who has provided to the Department or its designee certain falsified information; providing for the notification of a person whose registry identification card has been revoked; providing for the return to the Department of revoked registry identification cards; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 520—AN ACT relating to homeless persons; making an appropriation to Clark County for various services to assist homeless persons; making an appropriation to the Interim Finance Committee to provide the matching state money for the Shelter Plus Care federal program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 521—AN ACT relating to public health; exempting certain allocations of money from the Fund for a Healthy Nevada from the requirement that they be approved by the Interim Finance Committee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 522—AN ACT relating to health insurance; prohibiting managed care organizations from requiring providers of health care to assume the financial risk for the costs of acquiring immunizations for children under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 523—AN ACT relating to sanitation; extending jurisdiction over agricultural programs administered by the University and Community College System of Nevada to local boards of health; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 524—AN ACT relating to public health; increasing the portion of the money in the Fund for a Healthy Nevada that may be used to pay certain administrative costs incurred by the Department of Human Resources; revising provisions concerning the program to provide prescription drugs and pharmaceutical services to certain senior citizens; requiring the Department to coordinate the provision of prescription drugs and pharmaceutical services by state programs that provide pharmaceutical or medical assistance and certain Medicare pharmaceutical benefits; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 525—AN ACT relating to education; making an appropriation to the Department of Education for distribution to public schools to provide innovative educational programs; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 525 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 525 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Education:

Assembly Bill No. 526—AN ACT relating to education; revises provisions governing the appropriation and apportionment of money for school districts that participate in the National School Lunch Program; eliminating the requirements for the reduction of pupil-teacher ratios for kindergarten; revising the pupil-teacher ratios for class-size reduction for grades 1, 2 and 3; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 527—AN ACT relating to education; renaming the University and Community College System of Nevada as the Nevada System of Higher Education; clarifying that the System includes state colleges; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 528—AN ACT relating to crimes; revising the crime of intimidating or threatening public officers and employees and certain other persons; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 529—AN ACT relating to the Public Employees' Retirement System; creating a Deferred Retirement Option Plan to allow certain public employees to obtain lump-sum payments with lower monthly retirement benefits; providing the requirements for the Deferred Retirement Option Plan; creating a Benefit Actuarially Calculated Deferred Retirement Option Plan to allow certain public employees to obtain lump-sum payments with lower monthly retirement benefits; providing the requirements for the Benefit Actuarially Calculated Deferred Retirement Option Plan; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 530—AN ACT relating to ethics in government; revising the definition of “willful violation”; authorizing the Commission on Ethics to investigate and take appropriate action under certain circumstances regarding certain alleged violations of ethical standards adopted by a county or city; prohibiting a public officer from accepting gifts under certain circumstances; revising the provisions governing abstention and disclosure relating to conflicts of interest; eliminating the circumstances under which a violation of the ethical provisions may be found not to be willful; revising the requirements relating to the reporting of gifts by a public officer on a statement of financial disclosure; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 531—AN ACT relating to controlled substances; providing an additional or alternative penalty if a first responder sustains substantial bodily harm or death during the discovery or cleanup of the premises wherein certain controlled substances were unlawfully manufactured or compounded; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 532—AN ACT relating to technology; extending the date for the reversion of a portion of the appropriation made by the 2003 Legislature to the Department of Administration for the digital microwave project; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 533—AN ACT relating to technology; extending the date for the reversion of the appropriation made by 2003 Legislature for state radio systems; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 534—AN ACT relating to the University and Community College System of Nevada; authorizing the Board of Regents of the University of Nevada to issue revenue bonds to finance a portion of the cost of constructing parking facilities at the Community College of Southern Nevada and a residence hall at Western Nevada Community College; increasing the total authorized amount of certain revenue bonds that the Board of Regents may issue for certain facilities at the University of Nevada, Reno, and the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 535—AN ACT relating to fire protection; authorizing a county fire protection district, under certain circumstances, to annex all or part of a fire protection district receiving federal aid; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 536—AN ACT relating to controlled substances; prohibiting the illegal use of a controlled substance by a pregnant woman who knows she is pregnant; authorizing a court to suspend proceedings for such an offense in certain circumstances and require the woman to undergo treatment and rehabilitation; providing that such an offense constitutes abuse or neglect of a child for certain purposes; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 537—AN ACT relating to property; clarifying that a claimant or any contractor, subcontractor, supplier or design professional may submit a question or dispute to the State Contractors' Board concerning any matter which may affect or relate to a constructional defect; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 93.

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

Motion carried.

Senate Bill No. 120.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 86:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Joint Resolution No. 12 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Joint Resolution No. 12 be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

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

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Ocegüera moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 5:27 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 489, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 103.

Amend sec. 2, page 3, line 2, by deleting “6,” and inserting “7,”.

Amend sec. 3, page 3, line 12, by deleting “*section 5*” by inserting: “*sections 5 and 7*”.

Amend sec. 3, page 3, line 13, by deleting “*occupied by*” and inserting: “*the primary residence of*”.

Amend sec. 3, page 3, line 18, by deleting “*apportioned to*” and inserting: “*which is taxable in*”.

Amend sec. 3, page 3, by deleting line 23 and inserting:

“(a) *The amount of all the*”.

Amend sec. 3, page 4, by deleting lines 17 through 26 and inserting:

“(b) *“Single-family residence” means a parcel or other unit of*”.

Amend sec. 3, page 4, line 30, by deleting “(e)” and inserting “(c)”.

Amend sec. 3, page 4, line 33, by deleting “(f)” and inserting “(d)”.

Amend sec. 3, page 4, line 43, by deleting “(g)” and inserting “(e)”.

Amend sec. 4, page 5, line 3, by deleting “2” and inserting “3”.

Amend sec. 4, page 5, line 4, by deleting “*section 5*” by inserting: “*sections 5 and 7*”.

Amend sec. 4, page 5, line 5, by deleting “*property*” and inserting: “*property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year*”.

Amend sec. 4, page 5, line 10, by deleting “*apportioned to*” and inserting: “*which is taxable in*”.

Amend sec. 4, page 5, by deleting line 15 and inserting:

“(a) *The amount of all the*”.

Amend sec. 4, page 5, by deleting lines 34 through 43 and inserting:

“2. *Except as otherwise required to carry out the provisions of sections 5 and 7 of this act, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:*

(a) *The amount of all the ad valorem taxes:*

(1) *Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or*

(2) *Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,*

whichever is greater; and

(b) *A percentage of the amount determined pursuant to paragraph (a) which is equal to:*

(1) *The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; or*

(2) *Twice the percentage of increase in the Consumer Price Index (All Items) for the immediately preceding calendar year,*
whichever is greater.

3. *The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of section 3 of this act provide a greater abatement from taxation.*

4. *The amount of any ad valorem taxes levied in a county which, if not for the provisions of subsections 1 and 2, would otherwise have been collected for any property for a fiscal year must, except as otherwise required to carry out the provisions of*.

Amend sec. 4, page 6, line 6, by deleting “paragraph” and inserting “subsection”.

Amend sec. 4, page 6, line 8, after “1” by inserting “or 2”.

Amend sec. 4, page 6, by deleting lines 10 through 23.

Amend sec. 4, page 6, line 24, by deleting “4.” and inserting “5.”.

Amend sec. 4, page 6, line 27, by deleting “5.” and inserting “6.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. 1. *In addition or as an alternative to increasing the rate of an ad valorem tax pursuant to section 6 of this act, a taxing entity may, if otherwise so authorized by law and upon the approval of a majority of the registered voters of the county in which the taxing entity is located, levy or require the levy on its behalf of an ad valorem tax at a rate that is exempt from each partial abatement from taxation provided pursuant to sections 3 and 4 of this act.*

2. *For the purposes of this section, “taxing entity” means any political subdivision or other legal entity, other than the State, which has the right to receive money from any ad valorem taxes levied in a county.”.*

Amend the bill as a whole by renumbering sections 8 through 11 as sections 10 through 13 and adding a new section designated sec. 9, following sec. 7, to read as follows:

“Sec. 9. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law to the contrary, a local government shall not increase the rate of any ad valorem tax levy over the amount of the levy in the immediately preceding year unless the increase is approved by the Nevada Tax Commission, upon recommendation of the Committee on Local Government Finance.”.

Amend sec. 9, page 8, by deleting line 39 and inserting:

“Sec. 11. 1. The provisions of sections 3 to 7, inclusive, of this act”.

Amend sec. 9, page 8, between lines 41 and 42, by inserting:

“2. If the levy of an ad valorem tax has been approved by a majority of the registered voters of a county before the effective date of this act and no portion of that levy has commenced before the effective date of this act, that levy shall be deemed to be approved and levied pursuant to section 7 of this act and to be exempt from each partial abatement from taxation provided pursuant to sections 3 and 4 of this act.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel.

For: Assembly Bill No. 555.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees.)

Has been granted effective: March 29, 2005.

WILLIAM J. RAGGIO

Senate Majority Leader

RICHARD D. PERKINS

Speaker of the Assembly

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 13—Expressing support for the Healthy Forests Initiative and urging the Congress of the United States to make the necessary appropriations for full implementation of the Healthy Forests Restoration Act.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 14—Urging the Nevada Congressional Delegation to introduce and to support federal legislation mandating the reporting of results of all clinical trials and the collection and analysis of the data by the appropriate federal agencies.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 15—Urging the President and the Congress of the United States to support the participation of Taiwan in the World Health Organization.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 16—Proposing to amend the Nevada Constitution to provide requirements for the enactment of property and sales tax exemptions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 6. 1. The Legislature shall not enact an exemption from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail unless the Legislature finds that the exemption:

(a) Will achieve a bona fide social or economic purpose and the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

(b) Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

2. In enacting an exemption from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail, the Legislature shall:

(a) Ensure that the requirements for claiming the exemption are as similar as practicable for similar classes of taxpayers; and

(b) Provide a specific date on which the exemption will cease to be effective.

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

Motion carried.

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

Assembly in recess at 5:33 p.m.

ASSEMBLY IN SESSION

At 5:41 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 538—AN ACT relating to ethics in government; revising the restrictions upon the association of a former Commissioner of the Public Utilities Commission of Nevada with a public utility; authorizing the Commission on Ethics to employ legal counsel in certain circumstances; revising the date for submission of a disclosure of representation or counseling of a private person for compensation before a state agency; revising provisions governing abstention from voting for members of a county or city planning commission in larger counties; providing a time limitation for the submission of certain requests for opinions by the Commission on Ethics; revising the penalty for the acceptance or receipt of an honorarium; revising the requirements relating to the filing of statements of financial disclosure; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 539—AN ACT relating to trade practices; prohibiting certain persons from renting, leasing or selling consumer goods or services at unconscionable prices during an abnormal disruption of the market for those consumer goods or services; providing that such a rental, lease or sale constitutes a deceptive trade practice; providing a penalty; 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 the Committee on Commerce and Labor:

Assembly Bill No. 540—AN ACT relating to cranes; requiring the Division of Industrial Relations of the Department of Business and Industry to include in its regulations provisions requiring an applicant for certification as a crane operator to be certified by certain organizations; 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 the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 541—AN ACT relating to elections; changing the date of the primary election; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 542—AN ACT relating to the Legislature; revising the provisions governing the transfer of employees from the Legislative Counsel Bureau to the Senate or the Assembly; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 543—AN ACT relating to the Legislature; providing for specified information to be confidential to assist legislative committees

and studies in obtaining information; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 544—AN ACT relating to children; revising the provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing an employer to obtain certain information concerning a person who is alleged or found to have committed abuse or neglect of a child in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 545—AN ACT relating to health care; requiring a medical facility to provide an estimate of the cost of a medical procedure to a patient before the procedure occurs; prohibiting a medical facility from charging more than 10 percent more than the amount estimated; providing certain exceptions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 546—AN ACT relating to ethics in government; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; increasing the civil penalty for failing to file reports related to campaign contributions and expenditures; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 547—AN ACT relating to taxation; revising the formula for the distribution of revenue from a certain additional tax on certain motor vehicle fuel between a county and a city within that county; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 548—AN ACT relating to state financial administration; providing funding for the Nevada Commission on Sports; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 549—AN ACT making appropriations for support of mental health services in Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 550—AN ACT relating to crimes; revising the provisions governing when one offense involving the use of intoxicating liquor and controlled substances occurs within 7 years of another offense; making admissible in certain criminal proceedings the results of blood tests administered by phlebotomists or persons with special knowledge, skill, training or education in withdrawing blood in a medically acceptable manner; making mandatory the use of ignition interlock devices for certain periods of time by persons convicted of certain offenses; limiting the admissibility of certain affidavits or declarations in certain criminal proceedings; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 551—AN ACT relating to guardianships; revising certain provisions relating to notice and notice by citation; providing that a guardian is a fiduciary; defining an “interested person” for purposes relating to guardianships; revising certain provisions relating to incompetent persons; revising provisions governing the powers of a guardian; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 552—AN ACT relating to public works; revising the provisions governing the determination of the prevailing wages by the Labor Commissioner; providing that the prevailing wages in effect at the time of opening bids for a contract for a public work to be the prevailing wages for the duration of the public work project; revising the provisions governing the maintenance of records relating to employees of contractors and subcontractors engaged on public works; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 489, just returned from the printer, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblymen Buckley, Hettrick, Giunchigliani, Carpenter, Christensen, and Mr. Speaker.

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

ASSEMBLYWOMAN BUCKLEY:

I rise today in support of Assembly Bill 489, which has frequently been referred to as the hybrid tax proposal. This bill has been nicknamed so because it is the product of many, many discussions about various tax relief proposals, about the impact of those proposals on property owners and on critical services, such as education and public safety. This is not an easy issue. There are over 300 taxing districts in Nevada and millions of parcels subject to the tax. Each county has totally different circumstances, and proposed solutions may have very different consequences for each county.

After sorting through all these factors, we are considering today Assembly Bill 489, which I believe makes sense for a number of reasons. First, it provides meaningful relief to homeowners. Under the severe economic hardship provision of our *Constitution*, the property tax bills of all owner-occupied, single-family residences will not increase more than 3 percent. It also provides meaningful relief for everyone else. All other property, including businesses, will not see their property tax increase more than twice the Consumer Price Index or the ten-year average of assessed valuation, whichever is larger. This will protect those rural counties who have not seen the growth in property tax value as has been seen by the urban counties. This measure looks to the future. There will be an interim study of the property tax structure in our state. It is anticipated there will be additional proposals introduced for changing the *Nevada Constitution*, to allow more leeway to deal with situations in different counties, and to meet the changing needs and circumstances in our state.

Looking to the different provisions in the bill, let us first look at severe economic hardship and the constitutional requirement that what we do must be uniform and equal. In 2002, the

people of the state of Nevada spoke and allowed relief for owner-occupied residences. The situation then was a foreshadowing, and similar to what is going on right now. When the people voted to amend the *Constitution*, the situation was that assessed valuations were beginning to rise. We began to see aberrant effects, such as those in the Lake Tahoe area forced to see incredible increases because of the beautiful area up there, but due to the restrictions on growth and building, as well. Clearly, it was the duty of the Legislature and is our duty now to give impact to the constitutional amendment passed by the voters. In 1867, the Nevada Supreme Court defined what they meant by uniform and equal. In a case at that time, they held that mining was not exempt from taxation. Today, our society is much different and much more complex than was ever considered in those days. The courts must recognize the difficulty of providing tax relief to the citizens that is uniform and equal. What we have been able to do, because of the constitutional amendment, is to develop a fair definition of severe economic hardship and help everyone else equally. Ultimately what we chose, since we are not bound by a mathematical precision, was what we found to be fair, after many, many hearings. We chose the 3 percent level because we believe that level, close to CPI, is a reasonable indication of hardship. It is roughly proportional to the usual annual increases in salaries for many employees and for social security recipients. Setting the property tax relief at 3 percent ensures that property tax increases will not outstrip increases in benefits, thereby avoiding the severe economic hardship that our voters feared.

The *Constitution* left the definition of severe economic hardship up to the Legislature, and the courts should defer to the very difficult decisions that we have to make. Surely, the courts will understand that our decision was not lightly undertaken or easily made and was reached after hours and hours of testimony, looking at a variety of possible solutions, along with pages and pages of financial data on the impact.

We cannot ignore the financial difficulties faced by many Nevadans, similar to many Americans, with personal savings at an all-time low, personal debt burdens being at an all-time high. In other words, our citizens demand and need our relief that we would adopt today. This same reasoning applies to the selection of the method of tax relief for all other properties. In reaching that, we were guided by many of the same principles that we used for owner-occupied residences. Again, we are balancing achievement of equality with taxation, with the costs and burdens of the administration of a property tax relief plan. We did not want to create a plan that was mean tested, which would require millions of dollars in administration costs. We right now provide exemptions for veterans, regardless of income. This allows relief to be immediate without costing millions of dollars in the cost of administration as well. Other states have instituted percentage caps as a reasonable means of providing tax relief, and many of those states also have a uniform and equal mandate in their constitutions. The Legislature is also mindful of the volatility of the real estate market and felt that subjecting tax payers to the whims of that market, especially with the market conditions we are experiencing, is not reasonable. Rather, by choosing a cap that represents the ten-year average growth in a county, we felt that number more fairly represented the actual growth in property values and would effectively smooth out the spikes and be a fair way of achieving property tax relief for those properties.

Over time, and in the end, the caps will balance out the growth and extraordinary market factors, and achieve uniformity and equality. When determining uniformity and equality, we will ask the courts to look at the big picture as we have done these many months. Finally, we had very difficult decisions on how to treat new growth; that is, properties that were not on the tax roll before, and just came on. And we chose that all of us with existing houses and businesses bought or built them knowing that we would be taxed on the full value of improvements and new growth would be subject to the same rules. Since owners of new properties have built or purchased their homes or businesses knowing what the initial tax burden will be, they have no expectation or immediate need for a leveling cap. After one short year, new properties are then old and able to take advantage of the same property tax relief granted for everyone else.

In summary, I would urge your support of Assembly Bill 489. We had a difficult, difficult time in the last several months trying to achieve equality and fairness statewide. I'm proud that our Body came together in a bipartisan journey, with representatives from every county in the state coming together for the good of our state, to give immediate relief so that the assessors

know what to do when these bills go out and do the right thing for Nevada. And with that, Mr. Speaker, I would urge the Body to support Assembly Bill 489.

ASSEMBLYMAN HETTRICK:

I would like to refer everyone here to the bill itself, Assembly Bill 489. I would urge you to look at the preamble. The preamble lays out the very reason why we are considering this bill and have been for the last two months. This issue has been on our minds for much longer than that because we all started hearing from our constituents some time ago. What I would like to do, Mr. Speaker, is purposely read into the record three of the paragraphs. I urge my colleagues to look at all of the preamble. I'm going to start with paragraph 9.

"A new property tax system must be considered which will allow relief to the residents whose property tax values have increased to such an extent as to jeopardize their ability to continue to live in their homes, while also accommodating the needs of rural communities where assessment values are decreasing and the burden on local governments in all counties that must provide for increased demands on services;

"It is critical that a solution to this property tax crisis is found which takes into consideration the disparities among the different counties in Nevada, and which is fair and equitable to all property owners in the state and to local governments, whether large or small, rural or urban; and

"The provisions of this act are necessary to ensure that the property owners of this state are protected from severely spiking property tax bills that will otherwise threaten their ability to continue living in their homes during the next two years while the Legislature studies our current property tax statutes to determine the appropriate remedy to the current property tax crisis."

I think that is absolutely the crux of what we are trying to do here today. We are saying that we have crafted the fairest, most equitable bill we can, that addresses every property owner in this state. We have done that in a fashion that still will support local government, schools, and the services that the citizens of Nevada expect us to provide. I urge my colleagues to support this bill. I think it is indeed a bipartisan effort. I appreciate the opportunity to work with my colleagues in this chamber on crafting this bill, and I believe it will receive bipartisan support. I urge everyone to vote for this bill.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I, too, rise in support of this Assembly Bill 489. I was one of those first people that said, "Oh, we have to have a means test." If we are going to deal with the value of property, I want to make sure that my older homes are protected. But I was convinced, even by my own mother at one point, that the issue comes down to the value of the home, the one most priceless that you are able to build, maybe even with your own hands. The value luckily goes up. But that is on a fixed income. And since my dad passed away, that is it. That is all she has. And if the taxes go up too high, she has no ability to maintain that property. I have to thank the Incline individuals for convincing me otherwise because I was not of that mindset at the time.

That is why I think this bill is the great equalizer, despite what you are going to hear in the halls or the debate that may take place after we leave this room, this piece of legislation levels the playing field. As the Majority Leader said, the voters put in "severe economic hardship." We have not been able to define it. Last session, there was an attempt to do so, but we did not get there. This bill finally does get there. It says if you are in your home, and you're an owner occupied home, no matter what your means may be, we recognize that too huge a price inflation should not be a reason that you could risk losing your home. So the 3 percent, to me, was far more valuable, to my constituents, and to your constituents as well. The Minority Leader pointed out the preamble. I wanted to read subsection 3 of section 1. "Increased land values translate into increased property tax bills, which is an unexpected financial burden to many property owners, a large number of whom are forced to live on fixed incomes, which typically only increase minimally each year."

There are actually studies now showing, maybe in the private and public sector, that salaries might go up 3 percent this year, or something along those lines. We actually have a personable debt burden that has grown accordingly. Unfortunately, that increase in debt leads to a housing debt. The American dream of being able to own your own home is in jeopardy. What we are trying to do, here in Nevada, is not overreact and not underreact, but try to bring something in that worked best for Nevadans. I think this legislation also helps us recognize that believe that

you do need services for government. You pay taxes for a reason. Education will see a little shortfall; thank God it was not as much as we thought it was going to be, but that is a state obligation by *Constitution* and we have an obligation this session to make up that potential shortfall. The very individuals who may complain about not wanting to pay government taxes may become the very individuals who need some of those services down the road, whether it be transportation, whether it be Senior Rx programs, whether it be local programs, whether it be our police and our fire, making sure that their homes are protected from fire and that they are protected from any kind of security issues. All of that takes money. What this does is it takes a reasonable approach, it slows that huge spike, as we called it, the spike buster, and makes sure that government can grow, but grow within its means; that it has to react as well as our constituents do. Three percent, considering the fact that they were looking at some cases of 20 and 30 percent, is a huge, huge decrease in capturing and reducing the amount of spending that they will be able to do, while still making sure that services are protected. And that has to be our obligation when we look to it. We can't just sit up here with blinders on and say, "It doesn't matter to me what happens at the local government level." It does, because those are closest to our constituents and that is what we need to make sure is at least protected and provided for.

Assembly Bill 489, again, is a piece of legislation that I commend my colleagues for working on as hard as they did. I called it the great healer, Mr. Speaker, because I think after the contentiousness of last session, this actually brought us together. It would be unusual to see a property tax debate bring us together, but I think it showed we were actually individuals who could step up to the plate and put aside our differences to see that no one person's idea was better than anyone else's. We had to sit down at the table and come up with a resolution. That is what this bill does. I hope that the individuals across the hall see it for what it is. It is a level playing field, it does give true tax relief, and it is permanent. There is a constitutional amendment that we still have to deal with. There are many other pieces, but this is the number one part of the puzzle and I urge your support.

ASSEMBLYMAN CARPENTER:

I rise in support of Assembly Bill 489. As a resident of rural Nevada, I was most concerned that what was going to happen was that the tax reform, if you want to call it that, was going to put a great burden on our local communities and the rural areas. We all know that those areas and local governments, for the most part, have been very conservative through the years and have had to be that way. If this legislation would have further eroded their ability to provide those services, it would have been a very detrimental thing to our rural communities. Although I was not in on the drafting of this, I must congratulate my two colleagues for doing a lot of work on this. I feel that we have arrived at a balance here. It may not be perfect. We all know that most things in this life are not perfect, so we have to work on it, but I am supporting this because I think that the means for providing those services will still be there. The rurals may have to cut a little more, but I think they can get by because they have been used to doing that. So, for those reasons, I urge my colleagues to support Assembly Bill 489.

ASSEMBLYMAN CHRISTENSEN:

I will be voting yes on this measure. I just wanted to share a couple of thoughts with my colleagues. It is obvious that Nevada is known worldwide as a great place to bring a family and to start or expand a business. I do want to share a thought, and that is that we are all stewards of this continuing trend. We can, through our actions here, keep that going. We can also bring it to a screeching halt as we have seen happen in other states. I do believe it is dangerous to bifurcate property taxes, as I see happening in this bill; primary residence versus everything else. I know that my homeowners will welcome this tax relief, while home and apartment renters, small business owners leasing apartment space, could be negatively affected by this, as time goes on, again, depending on our actions here. A 3 percent cap to residences is a big stride in the right direction. I do want to congratulate those who worked on that. I just wanted to share my concern that I do hope, as soon as we can, that we keep property tax together to where we do not have two different forms and we can quickly bring that back together and show the world that, whether someone is coming here for their primary residence or to bring their business here, we as a Legislature fully stand behind them, that the taxation environment here is predictable.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I just wanted to clarify, as I got caught up in this, that this bill does assist both businesses and primary residences. We do have to deal within the confines of uniform and equal to make sure that we do what the voters said, which was for severe economic hardship for owner-occupied residences. So we are keeping in line with what the *Constitution* calls for. In addition to that, we actually had some testimony today from many businesses. One particular chamber of commerce has 200,000 employees. Their employees are either mobile home owners or residential owners. In that capacity, they will receive the 3 percent benefit. So, at least they are being taken care of. In addition to that, if those businesses happen to have the type of spikes, we never heard any testimony they were encountering the same kinds of increases that the residential property owners were. If they were having a 20 or 30 percent, they are actually lowered, so we are not treating them differently. The amount might wind up being a little bit different. Right now, our property owners, our residents, do not have the ability to go in and make some argument before a board of equalization. I would say that we have some further work to do in trailer bills to take a look at whether or not we should define it so that maybe more small businesses could qualify for that same kind of abatement that the larger companies tend to be successful at getting.

There is much more to be done, including the constitutional amendment that allows us to create uniform and equal by counties, which is part of what we get stuck with. This causes some of the causes of the spike buster to have to occur so we could make sure the rural counties were not negatively impeded. We just did a quick analysis; only one business saw a 19 percent increase in Clark County. All the rest were at 1 to 3 percent. Our homeowners were seeing 10 to 40 percent. I do think this bill takes accommodation to the individuals who were the most egregiously hurt by the property tax increases.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

As Chair of the committee, let me offer my thanks to the Minority Leader, Majority Leader, the committee members, and others who worked on this. It truly has been a bipartisan effort. We have overcome great odds, I believe, in accomplishing this, and it is a breath of fresh air when you compare the work this session to last session. As the presiding officer here, I appreciate that a great deal.

Roll call on Assembly Bill No. 489:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 553—AN ACT relating to intoxicating liquors; requiring a license to engage in business as a rectifier of distilled spirits in this State; requiring a license to engage in business as a supplier of wines and liquors in this State; revising provisions governing the business of rectifying distilled spirits; providing penalties; 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 the Committee on Commerce and Labor:

Assembly Bill No. 554—AN ACT relating to taxation; clarifying the definition of “business” for the purpose of collecting the state business license fee; exempting certain community banks from the taxes imposed on branch offices of financial institutions; reducing the tax on financial institutions imposed on certain community banks located in smaller counties; expanding the exemption from the tax on live entertainment provided for nonprofit organizations; clarifying the provisions governing the administration of the use taxes on the receipt of personal property acquired free of charge at public events; expanding the exemptions from the taxes on the transfer of real property; 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 Mabey:

Assembly Bill No. 555—AN ACT relating to medical professionals; making various changes to the provisions governing certain medical professionals; providing for the imposition of certain civil penalties; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 6:18 p.m.

ASSEMBLY IN SESSION

At 6:19 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Buckley requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

Today, we remember a woman who was an inspiration to so many people. Most of us only knew Polly Gonzalez as a longtime news anchor on Channel 8 in Las Vegas. She was much more than that. First and foremost, Polly was a dedicated mother of two beautiful little girls. It was that love for those two little girls that took them to Death Valley yesterday so Polly could show them the rare sites of a normally dry, desolate desert blooming with life as it was blanketed with flowers. In addition to serving as a role model to her children, Polly was an inspiration to the entire community. As the first Hispanic anchor in Las Vegas, Polly took every opportunity to send a message to young girls and Latinos across southern Nevada: with education and hard work, they, too, could grow up and be as successful as she was. Today, we honor Polly's passion

for life, her children, her work, and her community. She will be sorely missed on the air in Las Vegas and the people whose lives she touched in her own special way.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 204.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Peterson, Jean-Paul DeChambeau, and Angela DeChambeau.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Tabitha McAndrews and Cindy Berg.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Elia Cobian and Alan Anspach.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Price.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Reyes and Alishia Reyes.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandro Mentado and Jackie Valdera.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron West-Guillen.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Giorgi, Vernon Hanson, and Sherry Montero.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Fultz and Wendy Fultz.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Fernanado Vargas, Laura Flores, and Ricardo Bullon.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tawnya Cook and John Ponticello.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to John Rapanos.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Renaldo Davis and Charles Irvin.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Steve McCoy.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Christal Nachalle Rains, Taya Carlene Rains, Katelynn Creon, Stephanie Badders, and Terry Trout.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Quinn and Kevin McCartney.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Smith and Debbie Smith.

Assemblyman Ocegüera moved that the Assembly adjourn until Wednesday, March 30, 2005, at 4:45 p.m. and that it do so in the memory of Polly Gonzalez.

Motion carried.

Assembly adjourned at 6:19 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly