

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 21, 2005

Senate called to order at 11:10 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Stanley Friend.

Our Father God and Divine Creator, we ask for Your blessing upon this Senate. May we once again be reminded of Your concern for man and for the dignity of life that this State and Nation are dedicated to preserve. Bless those who lead us with wisdom and vision and strength. In Your Name, we pray.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 92, 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 17, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 96, 107, 135, 137.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Beers, Cegavske, Hardy, Tiffany and Washington:

Senate Joint Resolution No. 5—Proposing to amend the Nevada Constitution to specify a date on which certain questions on a ballot may be submitted to the voters, to provide for certain limitations on the appropriation and authorization for expenditures of public money, to provide for the disposition of any revenues in excess of the limitations on the amounts that may be appropriated and authorized for expenditure, to provide for a limitation on the taxable value of real property and to require a proposal to amend the Nevada Constitution which contains an appropriation or authorization for expenditure to include a source of revenue sufficient for the appropriation or authorization for expenditure.

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

Sec. 11. 1. Except for a question on a ballot concerning whether a public officer will be recalled, a question on a ballot must only be submitted to a vote:

(a) If such question may be submitted to the voters of the entire State, at an election conducted on the Tuesday next after the first Monday in November.

(b) If such question may be submitted only to the voters of a county, city, town, district or other municipal corporation, at a general election conducted in the county, city, town, district or other municipal corporation or on the Tuesday next after the first Monday in November.

2. If a question on a ballot creates, generates or increases any revenue in any form, including, without limitation, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, each person registered to vote in that election who may vote on the question shall be mailed, a statement setting forth:

(a) If the question on the ballot may be submitted to the voters of the entire State:

(1) The total amount appropriated to and authorized for expenditure by the State during the current fiscal year and the preceding 4 fiscal years; and

(2) An estimate of the revenue that will be collected pursuant to the provisions of the question during the first full fiscal year.

(b) If the question on the ballot may be submitted only to the voters of a county, city, town, district or other municipal corporation:

(1) The amount appropriated to and authorized for expenditure by the county, city, town, district or other municipal corporation during the current fiscal year and the preceding 4 fiscal years; and

(2) An estimate of the revenue that will be collected pursuant to the provisions of the question during the first full fiscal year.

3. If a question on a ballot concerns a measure to contract public debt, each person registered to vote in that election who may vote on the question shall be mailed, a statement setting forth:

(a) If the question on the ballot may be submitted to the voters of the entire State:

(1) The amount appropriated to and authorized for expenditure by the State during the current fiscal year and the preceding 4 fiscal years;

(2) For all public debt of the State outstanding at the time of the election, the total amount of all such outstanding public debt, the current annual cost of such public debt and the total cost to pay such public debt; and

(3) For the public debt that is the subject of the question on the ballot, the principal amount of the public debt, the estimated annual cost of the public debt and the total estimated cost to pay the public debt.

(b) If the question on the ballot may be submitted only to the voters of a county, city, town, district or other municipal corporation:

(1) The amount appropriated to and otherwise authorized for expenditure by the county, city, town, district or other municipal corporation during the current fiscal year and the preceding 4 fiscal years;

(2) For all public debt of the county, city, town, district or other municipal corporation outstanding at the time of the election, the total amount of all such outstanding public debt, the current annual cost of such public debt and the total cost to pay such public debt; and

(3) For the public debt that is the subject of the question on the ballot, the principal amount of the public debt, the estimated annual cost of the public debt and the total estimated cost to pay the public debt.

4. During the first full fiscal year revenue is collected pursuant to a question on a ballot approved by the voters, if the revenue collected pursuant to the question exceeds the estimate of the amount of revenue that would be collected set forth in the statement required pursuant to subsection 2, all revenue collected in excess of the estimate must be refunded in the succeeding fiscal year.

5. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action

was frivolous, the Court shall award to the State or the county, city, town, district or other municipal corporation its reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall:

(a) Award the taxpayer reasonable expenses and attorney's fees; and

(b) Order a refund of the amount collected in excess of the amount set forth in the estimate required to be provided pursuant to subsection 2, including interest on that amount at a rate of 10 percent per annum from the date that the revenue should have been refunded pursuant to the provisions of this Section.

And be it further

RESOLVED, That a new section, designated Section 39, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 39. 1. Except as otherwise provided in subsection 3, the total amount appropriated to and authorized for expenditure by the State in a fiscal year must not exceed the total amount appropriated and authorized for expenditure during the immediately preceding fiscal year multiplied by one plus the sum of the percentage change in the rate of inflation for the immediately preceding calendar year and the percentage change in the population of the State for the immediately preceding calendar year.

2. From the total amount appropriated to and authorized for expenditure by the State in a fiscal year, the Legislature shall appropriate an amount equal to at least 3 percent of the total amount appropriated and authorized for expenditure during the fiscal year for deposit in the fund established pursuant to Section 41 of this Article. Any amount remaining in the fund from the previous fiscal year may apply to the amount required for appropriation to the fund for the succeeding fiscal year.

3. The limitation on appropriations and authorizations for expenditure described in subsection 1 does not apply with respect to any revenue that is:

(a) Required to be deposited in a fund to be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways;

(b) Received from the Federal Government or from any person or entity in the form of a gift or grant;

(c) Refunded pursuant to Section 40 of this Article;

(d) Transferred or expended from the fund established pursuant to Section 41 of this Article;

or

(e) Generated by any bill or joint resolution enacted pursuant to the provisions of Section 18 of this Article.

4. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the State reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 40, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 40. 1. Except as otherwise provided in subsection 2, any revenue collected in excess of the limitation on the amount that may be appropriated and authorized for expenditure during a fiscal year pursuant to subsection 1 of Section 39 of this Article must be refunded in the succeeding fiscal year.

2. A majority of all of the members elected to each House may refer a measure which appropriates or authorizes for expenditure the revenue required to be refunded during a fiscal year to the people of the State at the next general election. If a majority of the votes cast on the measure do not approve the measure, the revenue must be refunded pursuant to the provisions of subsection 1.

3. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the State reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall:

(a) Award the taxpayer reasonable expenses and attorney's fees; and

(b) Order a refund of the amount required to be refunded pursuant to this Section including interest on that amount at a rate of 10 percent per annum from the date that the revenue should have been refunded pursuant to the provisions of this Section.

And be it further

RESOLVED, That a new section, designated Section 41, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 41. The Legislature shall provide by law for the creation, as a special revenue fund, of a fund to stabilize the operation of the State Government.

And be it further

RESOLVED, That a new section, designated Section 42, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 42. 1. If the Legislature directs one or more counties, cities, towns, districts or other municipal corporations to establish a program or provide a service, the Legislature shall appropriate or authorize for expenditure the revenue required to pay the expense of the program or service.

2. If the Legislature directs one or more counties, cities, towns, districts or other municipal corporations to increase a program or service established before January 1, 2009, that requires additional funding, the Legislature shall appropriate or authorize for expenditure the revenue required to pay the additional expense of the program or service.

3. For any program or service that the Legislature directed a county, city, town, district or other municipal corporation to establish before January 1, 2009, the Legislature shall not, in any fiscal year, appropriate or authorize for expenditure an amount for the program or service that as a percentage of the total amount required for the program or service is a reduction of the amount appropriated or authorized for expenditure by the Legislature as represented by a percentage of the total amount required for the program or service during Fiscal Year 2008-2009.

4. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the State reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, 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, 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 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 Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session. The proposed executive budget must set forth a budget with a total amount proposed for appropriation and authorization that does not exceed the limitation on the amount that may be appropriated and authorized for expenditures during a fiscal year pursuant to subsection 1 of Section 39 of this Article.

And be it further

RESOLVED, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection ~~4~~ 5, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House.

2. Except as otherwise provided in ~~{subsection 2,}~~ subsections 3 and 4, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

~~{2-}~~ 3. Except as otherwise provided in ~~{subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.~~

~~3.-A)~~ subsections 4 and 5, if a majority of all of the members elected to each House ~~{may refer any}~~ passes a measure which creates, generates ~~{,}~~ or increases any revenue in any form, including, without limitation, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, the measure must be referred to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. Except as otherwise provided in this subsection, an affirmative vote of not fewer than two-thirds of the members elected to each House may pass a measure which creates, generates or increases public revenue in any form, including, without limitation, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates. If two-thirds of the members elected to each House pass such a measure, the measure may become effective and enforced, but must be referred to the people of the State at the next general election. If a majority of the votes cast on the measure do not approve the measure, the measure shall be void and of no effect the day after the completion of the canvass of the votes cast in the election. The Legislature shall not enact, pursuant to the provisions of this subsection, a measure which imposes a new ad valorem tax on real property or increases an existing ad valorem tax on real property.

5. If the public revenue collected in a fiscal year is insufficient to pay public debt incurred before that fiscal year, a majority of the members of each House shall pass a measure which creates, generates or increases public revenue in an amount sufficient to pay the public debt.

6. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

7. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions subsections 3 and 4 of this Section. If the Court determines that the action was frivolous, the Court shall award to the State reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 11, be added to Article 8 of the Nevada Constitution to read as follows:

Sec. 11. 1. Except as otherwise provided in subsections 3 and 4, the total amount appropriated to and authorized for expenditure by a county, city, town, district or other municipal corporation in a fiscal year must not exceed the total amount appropriated and authorized for expenditure during the immediately preceding fiscal year multiplied by one plus the sum of the percentage change in the rate of inflation for the immediately preceding calendar year and the percentage change in the rate of new construction within the county, city, town, district or other municipal corporation for the immediately preceding calendar year.

2. From the total amount appropriated to and authorized for expenditure by a county, city, town, district or other municipal corporation in a fiscal year, the governing body shall appropriate an amount equal to at least 3 percent of the total amount appropriated and authorized for expenditure during the fiscal year for deposit in the fund established pursuant to Section 13 of this Article. Any amount remaining in the fund from the previous fiscal year may apply to the amount required for appropriation to the fund for the succeeding fiscal year.

3. The limitation on appropriations and authorizations for expenditure described in subsection 1 does not apply with respect to any revenue that is:

(a) Required to be deposited in a fund to be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways;

(b) Received from the Federal Government or from any person or entity in the form of a gift or grant;

(c) Refunded pursuant to Section 12 of this Article;

(d) Transferred or expended from the fund established pursuant to Section 13 of this Article; or

(e) Generated by any ordinance or resolution enacted pursuant to the provisions of Section 15 of this Article.

4. The provisions of this Section do not apply to:

(a) A school district subject to the limitation on appropriations and authorizations for expenditure provided pursuant to Section 11 of Article 11 of this Constitution; or

(b) A governmental enterprise:

(1) The operations of which are financed and conducted in a manner similar to the operation of private business enterprises, where the intent of the governing body operating such enterprise is to have the expenses of providing goods and services on a continuing basis to the general public, financed or recovered primarily through charges to the users; and

(2) Which is authorized to issue revenue bonds.

5. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the county, city, town, district or other municipal corporation its reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 12, be added to Article 8 of the Nevada Constitution to read as follows:

Sec. 12. 1. Except as otherwise provided in subsections 2 and 3, any revenue collected by a county, city, town, district or other municipal corporation in excess of the limitation on the amount that may be appropriated and authorized for expenditure during a fiscal year pursuant to subsection 1 of Section 11 of this Article must be refunded in the succeeding fiscal year.

2. A majority of all of the members of the governing body of a county, city, town, district or other municipal corporation may refer a measure which appropriates or authorizes for expenditure the revenue required to be refunded during a fiscal year to the people of the county, city, town, district or other municipal corporation at the next general election. If a majority of the votes cast on the measure do not approve the measure, the revenue must be refunded pursuant to the provisions of subsection 1.

3. The provisions of this Section do not apply to:

(a) A school district subject to the provisions of Section 12 of Article 11 of this Constitution; or

(b) A governmental enterprise:

(1) The operations of which are financed and conducted in a manner similar to the operation of private business enterprises, where the intent of the governing body operating such enterprise is to have the expenses of providing goods and services on a continuing basis to the general public, financed or recovered primarily through charges to the users; and

(2) Which is authorized to issue revenue bonds.

4. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the county, city, town, district or other municipal corporation reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall:

(a) Award the taxpayer reasonable expenses and attorney's fees; and

(b) Order a refund of the amount required to be refunded pursuant to this Section, including interest on amount at a rate of 10 percent per annum from the date that the revenue should have been refunded pursuant to the provisions of this Section.

And be it further

RESOLVED, That a new section, designated Section 13, be added to Article 8 of the Nevada Constitution to read as follows:

Sec. 13. 1. All counties, cities, towns, districts and other municipal corporations shall provide by law for the creation, as a special revenue fund, of a fund to stabilize the operation of the county, city, town, district or other municipal corporation.

2. The provisions of this Section do not apply to:

(a) A school district subject to the provisions of Section 13 of Article 11 of this Constitution; or

(b) A governmental enterprise:

(1) The operations of which are financed and conducted in a manner similar to the operation of private business enterprises, where the intent of the governing body operating such enterprise is to have the expenses of providing goods and services on a continuing basis to the general public, financed or recovered primarily through charges to the users; and

(2) Which is authorized to issue revenue bonds.

And be it further

RESOLVED, That a new section, designated Section 14, be added to Article 8 of the Nevada Constitution to read as follows:

Sec. 14. 1. If the Legislature authorizes a county, city, town, district or other municipal corporation to enter into public debt, any contract for public debt must be submitted to the people of the county, city, town, district or other municipal corporation at the next election at which a question may be placed on a ballot pursuant to Section 11 of Article 2 of this Constitution and a majority of the votes cast on the measure at such election must approve the contract, before the county, city, town, district or other municipal corporation may enter into the contract for public debt.

2. The provisions of this Section do not apply to:

(a) A school district subject to the provisions of Section 14 of Article 11 of this Constitution; or

(b) A governmental enterprise:

(1) The operations of which are financed and conducted in a manner similar to the operation of private business enterprises, where the intent of the governing body operating such enterprise is to have the expenses of providing goods and services on a continuing basis to the general public, financed or recovered primarily through charges to the users; and

(2) Which is authorized to issue revenue bonds.

3. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the county, city, town, district or other municipal corporation its reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 15, be added to Article 8 of the Nevada Constitution to read as follows:

Sec. 15. 1. If a majority of all of the members of a governing body of a county, city, town, district or other municipal corporation pass an ordinance or resolution which creates, generates or increases any revenue in any form, including, without limitation, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, the measure must be referred to the people of the county, city, town, district or other municipal corporation at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

2. Except as otherwise provided in this subsection, an affirmative vote of not fewer than two-thirds of the governing body of a county, city, town, district or other municipal corporation may pass a measure which creates, generates or increases public revenue in any form, including, without limitation, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates. If two-thirds of the members of the governing body pass such an ordinance or resolution, the measure may become effective and enforced, but must be referred to the people of the county, city, town, district or other municipal corporation at the next general election. If a majority of the votes cast on the measure do not approve the measure, the measure shall be void and of no effect the day after the completion of the canvass of the votes

cast in the election. A county, city, town, district or other municipal corporation shall not enact, pursuant to the provisions of this subsection, an ordinance or resolution which imposes a new ad valorem tax on real property or increases an existing ad valorem tax on real property.

3. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the county, city, town, district or other municipal corporation its reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

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

Sec. 3. The State may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two percent of the assessed valuation of the State, as shown by the reports of the county assessors to the State Controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. *Before the State may enter into a contract for public debt, the contract must be submitted to the people of the State at the next election at which a question may be placed on a ballot pursuant to Section 11 of Article 2 of this Constitution and a majority of the votes cast on the measure at such election must approve the contract.* Every contract of indebtedness entered into or assumed by or on behalf of the State, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the State in time of war, or, if hostilities be threatened, provide for the public defense.

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

And be it further

RESOLVED, That a new section, designated Section 6, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 6. 1. Except as otherwise provided in subsections 2 and 3, the taxable value of real property is the taxable value from which the assessed value for the Fiscal Year 2008-2009 was calculated but, if the property was not appraised or reappraised for that fiscal year, the taxable value determined by appraisal or reappraisal for a subsequent fiscal year may be appropriately adjusted to determine the taxable value as of the Fiscal Year 2008-2009.

2. If new improvements to real property are constructed, except to replace existing improvements destroyed by natural disaster or other casualty, or existing improvements are materially enhanced, the taxable value of the property must be increased by the full cash value of the new improvement or enhancement. If real property is converted to another use, the taxable value of the property must be redetermined after the conversion by appraisal at its full cash value in accordance with the new use of the property.

3. The taxable value of real property may not be changed from year to year by more than the lesser of:

(a) The percentage of increase or decrease in the rate of inflation for the preceding calendar year; or

(b) *The percentage of increase or decrease in the value of the real property based on appraisal of the:*

(1) *Full cash value of the land; and*

(2) *Any improvements made on the land less any deductions provided for by the Legislature.*

4. *A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the State or the county, city, town, district or other municipal corporation its reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.*

And be it further

RESOLVED, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. ~~The~~ *Except as otherwise provided in Section 6 of this Article, the Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.*

2. *Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.*

3. *The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.*

4. *Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.*

5. *The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.*

6. *The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.*

7. *No inheritance tax shall ever be levied.*

8. *The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.*

9. *No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.*

10. *The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.*

And be it further

RESOLVED, That a new section, designated Section 11, be added to Article 11 of the Nevada Constitution to read as follows:

Sec. 11. 1. Except as otherwise provided in subsections 3 and 4, the total amount appropriated to and authorized for expenditure by a school district in a fiscal year must not exceed the total amount appropriated and authorized for expenditure during the immediately preceding fiscal year multiplied by one plus the sum of the percentage change in the rate of inflation for the immediately preceding calendar year and the percentage change in the rate of enrollment within the school district for the immediately preceding calendar year.

2. From the total amount appropriated to and authorized for expenditure by a school district in a fiscal year, the school district shall appropriate an amount equal to at least 3 percent of the total amount appropriated and authorized for expenditure during the fiscal year to the fund established pursuant to Section 13 of this Article. Any amount remaining in the fund from the previous fiscal year may apply to the amount required for appropriation to the fund for the succeeding fiscal year.

3. The limitation on appropriations and authorizations for expenditure described in subsection 1 does not apply with respect to any revenue that is:

(a) Received from the Federal Government or from any person or entity in the form of a gift or grant;

(b) Refunded pursuant to Section 12 of this Article; or

(c) Transferred or expended from the fund established pursuant to Section 13 of this Article.

4. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the school district reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 12, be added to Article 11 of the Nevada Constitution to read as follows:

Sec. 12. 1. Except as otherwise provided in subsections 2 and 3, any revenue collected by a school district in excess of the limitation on the amount that may be appropriated and authorized for expenditure during a fiscal year pursuant to subsection 1 of Section 11 of this Article must be refunded in the succeeding fiscal year.

2. A school district may refer a measure which appropriates or authorizes for expenditure the revenue required to be refunded during a fiscal year to the people within the jurisdiction of the school district at the next general election. If a majority of the votes cast on the measure do not approve the measure, the revenue must be refunded pursuant to the provisions of subsection 1.

3. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the school district reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall:

(a) Award the taxpayer reasonable expenses and attorney's fees; and

(b) Order a refund of the amount required to be refunded pursuant to this Section including interest on amount at a rate of 10 percent per annum from the date that the revenue should have been refunded pursuant to the provisions of this Section.

And be it further

RESOLVED, That a new section, designated Section 13, be added to Article 11 of the Nevada Constitution to read as follows:

Sec. 13. All school districts shall provide by law for the creation, as a special revenue fund, of a fund to stabilize the operation of the school district.

And be it further

RESOLVED, That a new section, designated Section 14, be added to Article 11 of the Nevada Constitution to read as follows:

Sec. 14. 1. If the Legislature authorizes a school district to enter into public debt, any contract for public debt must be submitted to the people within the jurisdiction of the school district at the next election at which a question may be placed on a ballot pursuant to Section 11 of Article 2 of this Constitution and a majority of the votes cast on the measure at such election must approve the contract before the school district may enter into the contract for public debt.

2. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the Court determines that the action was frivolous, the Court shall award to the school district reasonable expenses and attorney's fees. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That Section 6 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 6. This Article does not permit the proposal of any amendment to this Constitution, statute or statutory amendment which makes an appropriation or otherwise requires the expenditure of money, unless such statute or amendment also imposes a sufficient tax, not prohibited by the Constitution, or otherwise constitutionally provides for raising the necessary revenue.

Senator Beers moved that the resolution be referred to the Committee on Finance.

Motion carried.

By Senators Beers, Cegavske, Hardy, Tiffany and Washington:

Senate Joint Resolution No. 6—Proposing to amend the Nevada Constitution to impose certain limitations on the total amount that may be appropriated to and authorized for expenditure by the State, to impose upon the State and all counties, cities, towns, districts and other municipal corporations certain limitations on creating, generating or increasing public revenue and to provide for a limitation on the taxable value of real property.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 39, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 39. 1. Except as otherwise provided in subsection 2, the total amount appropriated to and authorized for expenditure by the State in a fiscal year must not exceed 3.6 percent of the total personal income in the State for the immediately preceding calendar year.

2. The limitation on appropriations and authorizations for expenditure described in subsection 1 does not apply with respect to any appropriation or authorization for expenditure of revenue that is:

(a) Required to be deposited in a fund to be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways;

(b) Required to be used to pay for public debts authorized pursuant to Section 3 of Article 9 of this Constitution;

(c) Required to be used by a statute or an amendment to this Constitution enacted pursuant to the provisions of Article 19 of this Constitution;

(d) Received from the Federal Government or from any person or entity in the form of a gift or grant;

(e) Generated by any bill or joint resolution enacted pursuant to the provisions of subsection 3 of Section 18 of this Article; or

(f) Used to reduce a tax imposed on motor vehicles by the Legislature in lieu of an ad valorem property tax pursuant to Section 41 of this Article.

3. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the taxpayer is the prevailing party in

his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 40, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 40. 1. The proportion that the total amount appropriated to and otherwise authorized for expenditure by all counties, cities, towns, districts and other municipal corporations for a fiscal year bears to the total amount appropriated to and otherwise authorized for expenditure by the State and all counties, cities, towns, districts and other municipal corporations for that fiscal year must be at least equal to the proportion that the total amount appropriated to and otherwise authorized for expenditure by all counties, cities, towns, districts and other municipal corporations for Fiscal Year 2008-2009 bears to the total amount appropriated to and otherwise authorized for expenditure by the State and all counties, cities, towns, districts and other municipal corporations for Fiscal Year 2008-2009.

2. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 41, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 41. 1. Except as otherwise provided in subsection 2, any amount of revenue collected, in a fiscal year, in excess of the limitation on the amount that may be appropriated and authorized for expenditure described in subsection 1 of Section 39 of this Article must be used to reduce any tax imposed upon motor vehicles by the Legislature in lieu of an ad valorem property tax.

2. If an amount of revenue is collected, in any fiscal year, in excess of the limitation on the amount that may be appropriated and authorized for expenditure during a fiscal year described in subsection 1 of Section 39 of this Article that is equal to 1 percent or less of the total amount that may be appropriated and authorized for expenditure, such amount of excess revenue may be deposited in the fund established pursuant to Section 43 of this Article.

3. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 42, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 42. 1. If the Legislature directs one or more counties, cities, towns, districts or other municipal corporations to establish a program or provide a service on or after January 1, 2009, the Legislature shall appropriate or otherwise authorize for expenditure the revenue required to pay the expense of the program or service.

2. If the Legislature directs one or more counties, cities, towns, districts or other municipal corporations to increase a program or service established before January 1, 2009, that requires additional funding, the Legislature shall appropriate or otherwise authorize for expenditure the revenue required to pay the additional expense of the program or service.

3. For any program or service that the Legislature directed a county, city, town, district or other municipal corporation to establish before January 1, 2009, the Legislature shall not, in any fiscal year, appropriate or otherwise authorize for expenditure an amount for the program or service that as a percentage of the total amount required for the program or service is a reduction of the amount appropriated or authorized for expenditure by the Legislature as represented by a percentage of the total amount required for the program or service during Fiscal Year 2008-2009.

4. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the taxpayer is the prevailing party in

his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 43, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 43. The Legislature shall provide by law for the creation, as a special revenue fund, of a fund to stabilize the operation of the State Government.

And be it further

RESOLVED, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection 4, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House.

2. Except as otherwise provided in subsection ~~{2,}~~ 3, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

~~{2} Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.~~

~~3. A] If a majority of all of the members elected to each House [may refer any] passes a measure which creates, generates, or increases any public revenue in any form, including, without limitation, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, such a measure must be referred to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.~~

3. Except as otherwise provided in this subsection, an affirmative vote of not fewer than two-thirds of the members elected to each House may pass a measure which creates, generates, or increases public revenue in any form, including, without limitation, a tax, fee, assessment or rate, or a change in the computation bases for a tax, fee, assessment or rate. If two-thirds of the members elected to each House pass such a measure, the revenue created or generated must only be collected during the biennium for which the bill or joint resolution is passed. The Legislature shall not enact, pursuant to the provisions of this subsection, a measure:

(a) Which imposes a new ad valorem tax on real property or increases an existing ad valorem tax on real property; or

(b) Which appropriates or authorizes for expenditure the revenue required to be used to reduce a tax imposed on motor vehicles by the Legislature in lieu of an ad valorem property tax pursuant to Section 41 of this Article.

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

5. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of subsection 3. If the taxpayer is the prevailing party in his action to enforce the provisions of subsection 3, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 11, be added to Article 8 of the Nevada Constitution to read as follows:

Sec. 11. 1. Except as otherwise provided in subsection 2, if a county, city, town, district or other municipal corporation passes a measure which creates, generates or increases public revenue in any form, including, without limitation, taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, such measure must be referred

to the people of the county, city, town, district or other municipal corporation at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

2. The limitation on the passage of a measure which creates, generates or increases public revenue in any form described in subsection 1 does not apply to any tax, fee, assessment or rate or change in the computation bases for a tax, fee, assessment or rate imposed for the payment of public debt that was entered into by a county, city, town or other municipal corporation before January 1, 2009.

3. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That a new section, designated Section 6, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 6. 1. Except as otherwise provided in subsections 2 and 3, the taxable value of real property is the taxable value from which the assessed value for Fiscal Year 2008-2009 was calculated but, if the property was not appraised or reappraised for that fiscal year, the taxable value determined by appraisal or reappraisal for a subsequent fiscal year may be adjusted appropriately to determine the taxable value as of Fiscal Year 2008-2009.

2. If new improvements to real property are constructed, except to replace existing improvements destroyed by natural disaster or other casualty, or existing improvements are materially enhanced, the taxable value of the property must be increased by the full cash value of the new improvement or enhancement. If real property is converted to another use, the taxable value of the property must be redetermined after the conversion by appraisal at its full cash value in accordance with the new use of the property.

3. The taxable value of real property may not be changed from year to year by more than the lesser of:

(a) The percentage of increase or decrease in the rate of inflation for the preceding calendar year; or

(b) The percentage of increase or decrease in the value of the real property based on appraisal of the:

(1) Full cash value of the land; and

(2) Any improvements made on the land less any deductions provided for by the Legislature.

4. A taxpayer of this State shall have standing to commence an action in the First Judicial District Court to enforce the provisions of this Section. If the taxpayer is the prevailing party in his action to enforce the provisions of this Section, the Court shall award the taxpayer reasonable expenses and attorney's fees.

And be it further

RESOLVED, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. ~~That~~ Except as otherwise provided in Section 6 of this Article, the Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real

property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

And be it further

RESOLVED, That Section 6 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 6. This Article does not permit the proposal of any *amendment to this Constitution*, statute or statutory amendment which makes an appropriation or otherwise requires the expenditure of money, unless such statute or amendment also imposes a sufficient tax, not prohibited by the Constitution, or otherwise constitutionally provides for raising the necessary revenue.

Senator Beers moved that the resolution be referred to the Committee on Finance.

Motion carried.

By Senators Titus, Beers, Care, Carlton, Cegavske, Coffin, Horsford, Mathews, McGinness, Nolan, Schneider, Tiffany, Washington and Wiener:

Senate Joint Resolution No. 7—Proposing to amend the Nevada Constitution to provide for a lower rate of property tax on a single-family residence occupied by the owner.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner. ~~[to the extent necessary to avoid severe economic hardship to the owner of the residence.]~~

Senator Titus moved that the resolution be referred to the Committee on Taxation.

Motion carried.

By Senator Cegavske:

Senate Joint Resolution No. 8—Proposing to amend the Nevada Constitution to provide that the provisions of an initiative petition and a referendum petition are not severable, to require that petitions for referenda be filed with the Secretary of State not less than 165 days before the next general election, to provide for the Legislature to make changes to certain statutes or resolutions approved by a majority of voters after a certain period and to prohibit the proposal of constitutional amendments which make appropriations or otherwise require expenditures of money unless such constitutional amendments provide for raising the necessary revenue.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 7, be added to Article 19 of the Nevada Constitution to read as follows:

Sec. 7. If any provision of a measure proposed by an initiative petition or referred by a referendum petition is declared to be contrary to this Constitution or the Constitution of the United States, the entire initiative petition or referendum petition must be declared to be contrary to this Constitution or the Constitution of the United States, as the case may be.
And be it further

RESOLVED, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than ~~120~~ 165 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered 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.

3. ~~It~~ Except as otherwise provided in subsection 4, if a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

4. If a majority of the voters voting upon the proposal submitted at such election votes approval of a statute or resolution or any part thereof relating to taxation other than a provision that establishes a rate of taxation, or requiring the expenditure of money, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative by the Legislature within 3 years from the date the approval takes effect. The provisions of this subsection shall have retroactive effect upon each previous approval such that, 3 years from the date the previous approval took effect, the Legislature may amend, annul, repeal, set aside, suspend or make inoperative the approved statute or resolution or any part thereof relating to taxation or requiring the expenditure of money.

And be it further

RESOLVED, That Section 6 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 6. This Article does not permit the proposal of any *constitutional amendment*, statute or statutory amendment which makes an appropriation or otherwise requires the expenditure of money, unless such *constitutional amendment*, statute or *statutory* amendment also imposes a sufficient tax, not prohibited by the Constitution, or otherwise constitutionally provides for raising the necessary revenue.

Senator Cegavske moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Senators Raggio, Coffin, Schneider, Cegavske, Townsend, Amodei, Beers, Care, Hardy, Heck, Lee, McGinness, Nolan, Rhoads, Tiffany, Titus, Washington, Wiener; Assemblymen Gansert, Allen, Christensen, Holcomb, Sherer, Atkinson, Conklin, Hardy, Hettrick, Koivisto, Mortenson, Parks, Perkins, Seale and Smith:

Senate Bill No. 202—AN ACT relating to education; revising the manner in which school districts schedule contingent school days; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Mathews:

Senate Bill No. 203—AN ACT relating to public employees; expanding the definition of "accident benefits" for purposes of industrial insurance to include preventive treatment for hepatitis administered as a precaution to certain police officers employed by State Government; revising provisions governing testing and compensation of certain police officers and firefighters for contagious diseases after termination of employment; including certain game wardens employed by State Government within the definition of "police officer" for various purposes relating to industrial injuries, occupational diseases and programs for public employees; creating a statutory presumption that hepatitis is an occupational disease for certain police officers employed by State Government; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Mathews:

Senate Bill No. 204—AN ACT relating to health insurance; requiring certain health insurers to contract with and include on a list of providers of health care given by the insurer to its insureds any provider of health care and certain medical facilities in certain circumstances; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Mathews:

Senate Bill No. 205—AN ACT relating to cemeteries; making it unlawful for a person to remove, possess, sell or offer or attempt to sell a tomb, monument, gravestone, fence, building or other structure placed in a cemetery under certain circumstances; increasing the penalty for engaging in certain other acts relating to a cemetery; requiring the payment of restitution

for those acts under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Mathews:

Senate Bill No. 206—AN ACT relating to health; authorizing the State Board of Health, with the advice of the Ethics Institute established by the Board of Regents of the University of Nevada, to prescribe by regulation a form for a declaration governing the withholding or withdrawal of life-sustaining treatment; revising certain terms used to describe parties to a power of attorney for decisions concerning the provision of health care; requiring the State Board of Health, with the advice of the Ethics Institute, to prescribe by regulation a form for a durable power of attorney for health care decisions; authorizing an agent of a power of attorney to make decisions concerning the use or nonuse of life-sustaining treatment for a principal of the power of attorney which are contrary to the known desires of the principal if such decisions are in the best interests of the principal; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Rhoads:

Senate Bill No. 207—AN ACT making an appropriation to Elko County for the construction and operation of an interpretive center for the California National Historic Trail; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Rhoads:

Senate Bill No. 208—AN ACT relating to the State Department of Agriculture; requiring the Department to establish and administer a program of education, research and information on beef under certain circumstances; authorizing the Department to fix a special assessment on cattle to provide money for the program; providing a penalty for failing to pay the special assessment by the required date; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Rhoads:

Senate Bill No. 209—AN ACT relating to business associations; providing that the unclaimed capital credit of certain nonprofit cooperative corporations is not subject to the provisions of the Uniform Disposition of Unclaimed Property Act; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator McGinness:

Senate Bill No. 210—AN ACT relating to communications; requiring a county-owned telephone system to participate in the fund to maintain the availability of telephone service administered by the Public Utilities Commission of Nevada; authorizing a board of county commissioners that controls and manages a county-owned telephone system to create a separate corporation to provide certain communication services; requiring a county-owned telephone system that provides certain communication services outside county boundaries to comply with the same federal, state and local requirements that would apply to a privately held company providing the same communication services; revising the provisions governing the sale or lease of a county-owned telephone system; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator McGinness:

Senate Bill No. 211—AN ACT making an appropriation to the City of Fernley for construction of a road into the Northern Nevada Veterans' Memorial Cemetery; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Beers:

Senate Bill No. 212—AN ACT relating to education; providing that certain classes in high school must not begin before 8 a.m.; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By the Committee on Finance:

Senate Bill No. 213—AN ACT making an appropriation to the Western Folklife Center for support of the National Cowboy Poetry Gathering in Elko, Nevada; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 214—AN ACT relating to education; requiring the Department of Education to establish a monitoring system for the statewide system of accountability; revising various provisions governing the statewide system of accountability; requiring all the elementary schools, middle schools and junior high schools to provide an educational involvement accord to parents and legal guardians; creating an Advisory Commission on Highly Effective Academic Programs for School Improvement and Educational Excellence; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Titus:

Senate Bill No. 215—AN ACT relating to motor vehicles; providing for the issuance of special license plates for support of the protection and enrichment of the natural environment of Red Rock Canyon; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By Senator Titus:

Senate Bill No. 216—AN ACT relating to the administration of public agencies; transferring the Division of Water Planning from the State Department of Conservation and Natural Resources to the Office of the State Engineer; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Senator Titus:

Senate Bill No. 217—AN ACT relating to administrative procedure; requires the Welfare Division of the Department of Human Resources to comply with the Nevada Administrative Procedure Act when adopting regulations; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Titus:

Senate Bill No. 218—AN ACT relating to local governmental financial administration; prohibiting a local government from requiring the licensure of, or imposing a license tax upon, certain professionals; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senator Care:

Senate Bill No. 219—AN ACT relating to traffic; requiring the Department of Transportation to establish a regional advisory committee in certain cities; requiring a regional advisory committee to make recommendations and assist the Department in establishing a network of certain truck routes for oversized or overweight vehicles; prohibiting local authorities from issuing permits to operate certain oversized vehicles on highways in this State; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By Senator Care:

Senate Bill No. 220—AN ACT relating to public officers; revising the provisions governing voting by public officers; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Cegavske:

Senate Bill No. 221—AN ACT relating to education; providing for the participation of homeschooled children in certain interscholastic activities and events; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Cegavske:

Senate Bill No. 222—AN ACT relating to elections; requiring each polling place to post a notice that the full text of each proposed constitutional amendment and statewide measure is available at the polling place; providing for the appointment of a committee to prepare arguments for and against a constitutional amendment or statewide measure proposed by the Legislature; requiring sample ballots to inform registered voters how to obtain the full text of each proposed constitutional amendment and statewide measure; requiring a certain acknowledgment of a registered voter in order for his

signature to be counted in determining the sufficiency of an initiative or referendum petition; requiring the Secretary of State to determine the requirements for requesting the county clerk to remove a name from an initiative or referendum petition; requiring a petition for initiative or referendum to embrace a single subject; requiring an explanation of the effect of an initiative or referendum be made available to each voter before he signs a petition for initiative or referendum; providing for a person to challenge the accuracy of an explanation of an initiative or referendum; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Cegavske:

Senate Bill No. 223—AN ACT relating to education; establishing the Program of Voucher Schools to be administered by the Department of Education; authorizing certain private schools to apply to the Department for certification as voucher schools; authorizing certain pupils to apply to the Department to participate in the Program; authorizing the Department to request reimbursement from a voucher school for certain costs associated with administering the voucher school; revising provisions governing the apportionments of money from the State Distributive School Account to provide for the payments of money for pupils who are enrolled in voucher schools; authorizing the parents and guardians of pupils to choose which public schools the pupils will attend; revising provisions governing charter schools; providing for stipends to parents and guardians of homeschooled children under certain circumstances; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Townsend:

Senate Bill No. 224—AN ACT relating to elections; requiring nonprofit corporations to submit the names and addresses of its officers to the Secretary of State under certain circumstances; requiring the Secretary of State to post such information on his Internet website; requiring a petition for initiative or referendum to embrace a single subject; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Carlton:

Senate Bill No. 225—AN ACT relating to industrial insurance; authorizing an injured employee to select a physician or chiropractor to perform an

independent evaluation under certain circumstances; requiring the insurer of the injured employee to consider the report of the independent evaluation; requiring a provider of vocational rehabilitation services to register with the Division of Industrial Relations of the Department of Business and Industry; requiring the Administrator of the Division to maintain and distribute to certain persons a list of persons registered to provide vocational rehabilitation services; requiring an insurer to provide a copy of the list to certain employees and allow the employee to choose a provider from the list; authorizing the Administrator of the Division to charge and collect a fee for registering a person as a provider of vocational rehabilitation services; requiring a vocational rehabilitation counselor to act in the best interests of the employee; requiring a provider of vocational rehabilitation services to employ certain vocational rehabilitation counselors; requiring certain assessments be completed by a certified vocational rehabilitation counselor; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Carlton:

Senate Bill No. 226—AN ACT relating to industrial insurance; limiting the amount of money that a provider of health care is entitled to be paid for providing treatment or other services to an injured employee under certain circumstances; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Wiener:

Senate Bill No. 227—AN ACT relating to elections; requiring the Secretary of State to prepare and make available a supplemental voter guide for each general election; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Horsford and Assemblywoman Giunchigliani:

Senate Bill No. 228—AN ACT relating to elections; revising the provisions relating to explanations and condensations of constitutional amendments and statewide measures to be placed on the ballot; revising the provisions relating to explanations and condensations of local government measures to be placed on the ballot that were proposed by initiative or referendum; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Horsford and Assemblyman Arberry Jr.:

Senate Bill No. 229—AN ACT relating to economic development; creating tax incentives for expanding or relocating businesses in certain economic development areas; creating tax incentives for businesses who hire certain employees at a certain level of wages; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Horsford and Assemblywoman Giunchigliani:

Senate Bill No. 230—AN ACT relating to elections; providing that a provisional ballot must be counted without regard to the polling place in which it was cast; requiring the Secretary of State to adopt regulations relating to the processing of a provisional ballot; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Senator Schneider:

Senate Bill No. 231—AN ACT relating to physicians; revising the provisions governing the authority of certain physicians to possess, prescribe, administer and dispense controlled substances, dangerous drugs and other drugs; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Schneider:

Senate Bill No. 232—AN ACT relating to the University and Community College System of Nevada; specifying that a student at a university or state college completes a full course of study for the issuance of a diploma of graduation from the System if he satisfies the requirements for graduation and degree as set forth in the catalog of the university or state college that is in effect at the time of enrollment or at the time of graduation, whichever the student elects; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Schneider:

Senate Bill No. 233—AN ACT relating to alcoholic beverages; authorizing certain grocery stores to serve samples of wine and malt beverages on the premises of the grocery store; providing for the regulation of such grocery stores and for the issuance of annual permits by local governing bodies; authorizing the operation of instructional wine-making facilities; providing for the licensure and regulation of such facilities; restricting the use of wine produced at such facilities; exempting such wine from the excise tax on liquor; authorizing certain fees; providing remedies and penalties; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:26 a.m.

SENATE IN SESSION

At 11:30 a.m.

President Hunt presiding.

Quorum present.

Assembly Bill No. 96.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 107.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 135.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 137.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by Senators Horsford and Wiener:

Amendment No. 69.

Amend sec. 4, page 4, lines 12 and 13, by deleting: "in accordance with NRS 241.020".

Amend sec. 4, page 4, line 22, after "3." by inserting: "The notice required by subsection 2 must be sent:

(a) If the application was forwarded to the Commission by its staff pursuant to paragraph (a) of subsection 2 of section 1 of this act, in accordance with NRS 241.020.

(b) If the application was forwarded to the Commission by its staff pursuant to paragraph (b) of subsection 2 of section 1 of this act, at least 10 days before the date set for the hearing.

4."

Senator Horsford moved the adoption of the amendment.

Remarks by Senators Horsford, Wiener, Washington, Nolan, Titus, Amodei and Care.

Senators Raggio, Amodei and Rhoads requested a roll call vote on the adoption of the amendment.

Roll call on Senator Horsford's motion.

YEAS—9.

NAYS—Amodei, Beers, Cegavske, Hardy, Heck, McGinness, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington—12.

The motion having failed to receive a majority, Madam President declared it lost.

Bill ordered to third reading.

Senate Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 56.

Amend section 1, page 1, line 7, by deleting "\$2,000,000" and inserting "\$964,701".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 55.

Amend section 1, page 1, line 3, by deleting "\$447,655" and inserting "\$433,550".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 31.

Amend section 1, page 2, line 15, after "3. A" by inserting "*medical*".

Amend section 1, page 2, line 28, by deleting "*Review*" and inserting "*Medical review*".

Amend the title of the bill, fifth line, before "review" by inserting "medical".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing privileges of certain medical review committees. (BDR 4-884)".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 174.

Bill read second time and ordered to third reading.

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—21.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 55.

Bill read third time.

Roll call on Assembly Bill No. 55:

YEAS—21.

NAYS—None.

Assembly Bill No. 55 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 4 p.m.

Motion carried.

Senate in recess at 11:59 a.m.

SENATE IN SESSION

At 4:06 p.m.

President Hunt presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Transportation and Homeland Security, to which were referred Senate Bill No. 73; Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 21, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 145, 179, 183, 195.

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 147, 171.

GARY GHIGGERI

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Raggio and Titus:

Senate Concurrent Resolution No. 11—Temporarily suspending subparagraph (1) of paragraph (d) of subsection 1 of Joint Standing Rule No. 14.2.

Resolution read.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio, Titus and Care.

Resolution adopted.

Senator Raggio moved that all rules be suspended and that Senate Concurrent Resolution No. 11 be immediately transmitted to the Assembly.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Lee:

Senate Bill No. 234—AN ACT relating to the Judicial Department; revising the qualifications for justices of the Supreme Court, district judges and justices of the peace; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator McGinness:

Senate Bill No. 235—AN ACT relating to hospital districts; revising provisions relating to the procedure for the dissolution of hospital districts in certain smaller counties; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Finance:

Senate Bill No. 236—AN ACT relating to children; making an appropriation to the Nevada Alliance of Boys and Girls Clubs, Inc. for the establishment and operation of a SMART Moves program by the Clubs operating in this State; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Amodei:

Senate Bill No. 237—AN ACT relating to taxation; authorizing the board of county commissioners in certain counties to levy a tax ad valorem to pay for the costs of prevention and suppression of fires occurring in wild lands or watersheds; requiring a board of county commissioners to enter into an interlocal agreement or contract with any incorporated city or fire protection district located within the county before it may levy the tax; requiring the revenue from the tax to be distributed as provided in the interlocal agreement or contract; exempting the tax from the limitation upon revenue from ad valorem taxes and the limitation upon the total ad valorem tax levy that may be levied for all public purposes; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senator Washington:

Senate Bill No. 238—AN ACT relating to public utilities; authorizing a public utility which purchases natural gas for resale to file a general rate application based on a projected 12-month period of operations; authorizing the Public Utilities Commission of Nevada to permit such a public utility to make periodic adjustments in its rates based on changes in the costs of natural gas without complying with certain procedural requirements; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Washington:

Senate Bill No. 239—AN ACT making an appropriation to the Department of Administration for allocation to the Board of Regents of the University of Nevada to provide scholarships for students who are disadvantaged and

underrepresented in the School of Medicine and the Dental School within the University of Nevada; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

By Senator Washington:

Senate Bill No. 240—AN ACT relating to insurance; requiring health insurers to offer to eligible persons a policy of health insurance that has a high deductible and is in compliance with certain federal requirements for establishing health savings accounts; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Washington:

Senate Bill No. 241—AN ACT relating to education; establishing the Program of Voucher Schools to be administered by the Department of Education; authorizing certain private schools to apply to the Department for certification as voucher schools; authorizing certain pupils to apply to the Department to participate in the Program; authorizing the Department to request reimbursement from a voucher school for certain costs associated with administering the voucher school; revising provisions governing the apportionments of money from the State Distributive School Account to provide for the payments of money for pupils who are enrolled in voucher schools; requiring that the appointment of the Superintendent of Public Instruction by the State Board of Education be confirmed by a majority vote of the Senate; authorizing the parents and guardians of certain pupils to choose which public schools the pupils will attend; authorizing the boards of county commissioners and city councils to veto matters passed by the boards of trustees of school districts within their jurisdiction; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.

Motion carried.

By Senator Hardy:

Senate Bill No. 242—AN ACT relating to motor vehicles; requiring entities that register motor vehicles to perform certain inquiries at the time a vehicle is initially registered to determine if the vehicle is stolen; providing for the notification of appropriate authorities if a vehicle is determined to be stolen; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By Senator Hardy:

Senate Bill No. 243—AN ACT relating to transportation; revising provisions governing the maximum period that a vehicle may be used as a taxicab in certain counties; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By Senator Hardy:

Senate Bill No. 244—AN ACT relating to meetings of public bodies; making various changes regarding the Open Meeting Law; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Senator Hardy:

Senate Bill No. 245—AN ACT relating to motor carriers; establishing provisions concerning hours of service for intrastate drivers; providing certain exceptions; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

By Senator Mathews (by request):

Senate Bill No. 246—AN ACT relating to environmental health specialists; defining the practice of environmental health; requiring persons who engage in the practice of environmental health to be registered; providing for registration of environmental health specialist trainees; authorizing the Board of Registered Environmental Health Specialists to employ certain persons; requiring the Chairman of the Board to be elected biennially on or before a certain date; providing for the issuance of a basic certificate of registration as an environmental health specialist under certain circumstances; revising the requirements for registration as an environmental health specialist; authorizing the Board to register certain persons by reciprocity; requiring an applicant for a certificate of registration as an environmental health specialist trainee or for a basic certificate of registration as an environmental health specialist to pay a fee; providing a penalty; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senator Titus:

Senate Bill No. 247—AN ACT relating to taxation; revising the provisions governing the applicability, imposition, collection and administration of the tax on live entertainment; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Senator Beers:

Senate Bill No. 248—AN ACT relating to criminal procedure; creating a statutory right to a jury trial in justices' courts and municipal courts for defendants charged with certain misdemeanors involving domestic violence or driving under the influence; providing in skeleton form for jury trials in municipal courts; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Beers:

Senate Bill No. 249—AN ACT relating to real property; providing the circumstances and manner in which a foreclosure sale of real property may be orally postponed; providing that a sale of real property under execution must take place at a public location in the county where the property, or some part thereof, is situated; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Senator Carlton (by request):

Senate Bill No. 250—AN ACT relating to dentistry and dental hygiene; revising various provisions governing the qualifications, examination and licensure of dentists and dental hygienists; revising the provisions governing activities that are deemed to be included within the practice of dentistry; providing for the biennial renewal of certain licenses; increasing the limits for certain licensing fees; changing the standard of proof in certain proceedings before the Board of Dental Examiners of Nevada; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Senators Raggio, Townsend, Hardy, Amodei, Beers, Cegavske, Heck, Mathews, McGinness, Rhoads, Tiffany, Titus, Washington, Wiener and Assemblywoman Allen:

Senate Bill No. 251—AN ACT relating to motor vehicles; authorizing the operation of certain motor vehicles without a front license plate under certain circumstances; and providing other matters properly relating thereto.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:21 p.m.

SENATE IN SESSION

At 4:24 p.m.

President Hunt presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 38; Assembly Bill No. 61.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Beers, the privilege of the floor of the Senate Chamber for this day was extended to Brent Howard.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Thelma Clark.

On request of Senator Coffin, the privilege of the floor of the Senate Chamber for this day was extended to Anna Coffin.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Stephanie Landbolt.

Senator Raggio moved that the Senate adjourn until Tuesday, March 22, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 4:25 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate