

STEALTH BUFFET BILL FROM HELL

There are over 1,000 Bills remaining before the Nevada State Legislature for this 2011 session, except then there is **Assembly Bill (AB) 545** which is in essence around 400 Bills crammed in to one legislative act. This Bill was sponsored by the Legislative Council Bureau (LCB) which is the band of lawyers, researchers, and administrators whose primary responsible is advising and assisting legislators on all matters involving the law and process of the legislature. The LCB may only sponsor Bills to “clarify” legislation or where there is a “conflict” between laws. Therein lays the first problem. None of the some 400 law changes proposed by AB 545 are brought as a result of unclear or conflicting laws therefore the LCB was not authorized to sponsor the original Bill Draft Request (BDR) which was numbered 548. To give a little background on how this Bill came about and what it is trying to do one has to look backwards in Nevada Legislative history some four decades. You see, the Nevada Constitution in Article 4 Section 20 basically says that all State laws must apply equally across the State. Way back when, the Legislature wanted to pass some laws that applied only to Clark County, or only to Washoe County, or only to the rural Counties, but there was this little problem of the State Constitution. So they devised a scheme whereby many laws would apply a population threshold test as to where they would apply. Certain laws would apply only to counties with a population (then) of more than 400,000 persons (Clark County) and certain laws would apply to counties with a population between 100,000 and 400,000 (Washoe County) and certain Laws would apply only to Counties under 100,000 (rural Counties). Thus the Legislature thought they had cleverly circumvented the provision of the State Constitution that stated all laws should apply equally across the State. **This scheme has remained for decades the bastard child of the State Legislature not so hidden in the closet.** In 1981 in *The City of Las Vegas vs The County of Clark* the Nevada Supreme Court determined that population thresholds can only be used if there is a rational relationship between population and the subject of the law. **In the vast majority of the subjects covered in AB 545 there is no rational relationship between population and the subject and the law.**

Well then there comes the 2010 census in which Washoe County exceeded the 400,000 population threshold that *screwed the whole thing up*. Now hundreds of laws that were “intended” to apply just to Clark County (over 400,000) now would apply to Washoe County and hundreds of laws that were intended to apply to Washoe County (originally between 100,000 and 400,000) now did not apply. It raised similar “havoc” with the rural counties. Thus the “Stealth Buffet Bill from Hell” that attempts to change the population threshold tests in around 400 very diverse, independent, and unrelated to each other laws in one Bill by moving the principle population figure of 400,000 up to 700,000 was hatched. This created another Constitutional issue in that, you see, the Nevada Constitution also says (in Article 4 Section 17) that each Bill before the legislature should only address one subject or law, this Bill addresses some 400 subjects and laws. **What a tangled web we weave when first we practice to ignore the State Constitution.**

Of principle interest to Washoe County Residents might be Sections 1 and 2. Current law provides that since Washoe County is now over 400,000 in population it is entitled to 7 County Commissioners the same as Clark County, instead of 5. This Bill will negate that by raising that population threshold up to 700,000 so Clark County will remain the only County with 7 Commissioners (Sections 1 and 2). The current law also provides that Washoe County will now be entitled to a 2 percent transient Lodging Room tax instead of 1 percent which principally goes to school funding (Sections 7 and 8). This Bill will negate that resulting in a loss of revenue to the schools of around 4 million dollars. Incidentally, while Washoe County has for years had the right to license prostitution, even though it has never done so, since the County has now reached 400,000 in population by current law the County would no longer have that authority. This Bill, if passed, will assure that Washoe County retains the right to license prostitution.

One may support or oppose these three law changes that have been cited, out of the some 400 included in the “Stealth Buffet Bill from Hell” but the issue is that each of these 400 or so changes in current law should have its own introduction and hearing process in the legislature as is wisely declared by the State Constitution.

Respect the State Constitution and the process that is due and be on the right side of history when this Bill is challenged in Court!! **Vote NO on AB 545**

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Any Lawyer or Legal aid/researcher or other party wishing to participate in the legal challenge to the State Supreme Court against this Bill, the LCB and the legislative supporters contact Terry at tterknee@aol.com