Senator called to order at 11:12 a.m.
President Hunt presiding.
Roll called.
All present except Senator McGinness, who was excused.

Prayer by the Chaplain, Pastor Alan Dorway.
Gracious God,
We come before You this morning seeking Your peace and guidance for the Senate this day. Grant Your peace to all who are making difficult decisions and trying their best to serve this State. Send Your spirit to guide the interactions between colleagues, staff members and support services to this process. Lord, send Your grace to mediate tough issues, to help set aside personal agendas for the greater good, and to extend love to our neighbors. Be with us this day and make Your presence known in all we do.

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 Commerce and Labor, to which were referred Senate Bills Nos. 276, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
Also, your Committee on Commerce and Labor, to which were rereferred Senate Bills Nos. 153, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, Chair

Madam President:
Your Committee on Finance, to which was referred Senate Bill No. 484, 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

Madam President:
Your Committee on Government Affairs, to which were referred Senate Bills Nos. 67, 130, 184, 229, 267, 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN B. HARDY II, Chair

Madam President:
Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 21, 56, 223, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
Also, your Committee on Human Resources and Education, to which was rereferred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
Also, your Committee on Human Resources and Education, to which was referred Senate Bill No. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Finance.

MAURICE E. WASHINGTON, Chair

Madam President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 64, 172, 308, 343, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, Chair

Madam President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 62, 263, 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEAN A. RHOADS, Chair

Madam President:

Your Committee on Taxation, to which were referred Senate Bills Nos. 392, 476, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA J. TIFFANY, Vice Chair

Madam President:

Your Committee on Transportation and Homeland Security, to which were referred Senate Bills Nos. 161, 219, 243, 380, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, Chair

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 22, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 208, 221, 240, 444, 483, 523.

DIANE KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that for the next two legislative days, all Senate bills and joint resolutions reported out of committee be immediately placed on the Second Reading File, time permitting.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 127 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.

Senator Raggio moved that Senate Bill No. 242 be taken from the General File and rereferred to the Committee on Finance.

Remarks by Senator Raggio.

Motion carried.
Senator Carlton moved that Senate Bill No. 31 be taken from the Secretary's desk and placed on the bottom of the General File.
Remarks by Senator Carlton.
Motion carried.

Senator Townsend moved that Senate Bill No. 111 be taken from the Secretary's desk and placed on the bottom of the General File.
Remarks by Senator Townsend.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:
Senate Bill No. 508—AN ACT making an appropriation to VSA arts of Nevada for the restoration of the Lake Mansion in Reno; and providing other matters properly relating thereto.

Senator Raggio moved that the bill be referred to the Committee on Finance.
Motion carried.

Assembly Bill No. 208.
Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 221.
Senator Nolan moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 240.
Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.
Motion carried.

Assembly Bill No. 444.
Senator Nolan moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Natural Resources.
Remarks by Senator Nolan.
Motion carried.

Assembly Bill No. 483.
Senator Nolan moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Government Affairs.
Remarks by Senator Nolan.
Motion carried.
Assembly Bill No. 523.
Senator Nolan moved that the bill be referred to the Committee on Human Resources and Education.
Motion carried.

Senator Nolan moved that the Senate recess subject to the call of the Chair.

Senate in recess at 11:23 a.m.

SENATE IN SESSION

At 11:24 a.m.
President Hunt presiding.
Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 81.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 495.
Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 381.195 is hereby amended to read as follows:
381.195 As used in NRS 381.195 to 381.227, inclusive:
1. "Historic" means after the middle of the 18th century.
2. "Historic site" means a site, landmark or monument of historical significance pertaining to the history of the settlement of Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and burials.
3. "Museum Director" means the Museum Director of the Nevada State Museum.
4. "Prehistoric" means before the middle of the 18th century.
5. "Prehistoric site" means any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe."

Amend section 1, page 2, by deleting lines 2 through 4 and inserting:

"381.197 Except for action taken under an agreement with the Office of Historic Preservation of the Department pursuant to section 11 of this act, and except as otherwise provided in this section, a person shall not investigate,".

Amend section 1, page 2, line 8, after "inclusive." by inserting: "Conduct that otherwise constitute a violation of this section is not a violation of this section if it is also a violation of section 12 of this act."

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding a new section designated sec. 3, following section 1, to read as follows:
"Sec. 3. NRS 381.227 is hereby amended to read as follows:

381.227 (Except) Unless a greater penalty is provided by a specific statute and except as otherwise provided in NRS 381.225, any person violating any of the provisions of NRS 381.195 to 381.227, inclusive, is guilty of a misdemeanor.

Amend sec. 2, page 2, line 10, by deleting: "3 to 12," and inserting: "5 to 13."

Amend sec. 3, page 2, line 12, by deleting: "3 to 12" and inserting: "5 to 13."

Amend sec. 3, page 2, line 14, by deleting: "4 to 8," and inserting: "6 to 10."

Amend the bill as a whole by deleting sections 4 through 6, renumbering sections 7 and 8 as sections 9 and 10 and adding new sections designated sections 6 through 8, following sec. 3, to read as follows:

"Sec. 6. "Historic site" has the meaning ascribed to it in NRS 381.195.

Sec. 7. "Political subdivision" means a county, city, irrigation district or any other local government as defined in NRS 354.474.

Sec. 8. "Prehistoric site" has the meaning ascribed to it in NRS 381.195."

Amend sec. 7, page 3, by deleting lines 8 and 9 and inserting "this State."

Amend sec. 8, page 3, line 11, by deleting "agency." and inserting: "agency or political subdivision."

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

"Sec. 11. 1. Upon request by any state agency or political subdivision, the Office may enter into an agreement with that state agency or political subdivision regarding any land which the state agency or political subdivision intends to acquire from an agency of the Federal Government. The agency of the Federal Government may be a party to the agreement.

2. An agreement made pursuant to subsection 1 must:

(a) Include provisions that are sufficient to ensure that the land, when acquired, will receive protection for any historic or prehistoric site at a level equivalent to the protection provided if the land had remained under federal ownership;

(b) Require the state agency or political subdivision to submit a proposal and consult with the Office before changing the use of the land or initiating a project on any portion of the land; and

(c) Require that any expenses associated with carrying out the agreement are the responsibility of the state agency or political subdivision.

3. If a state agency or political subdivision submits a proposal to change the use of the land or initiate a project on any portion of the land pursuant to paragraph (b) of subsection 2, the state agency or political subdivision shall:

(a) Provide to the Office a written statement:

(1) Identifying any Indian tribes that may be concerned with the religious or cultural importance of the site and other interested persons for
inclusion in the consultation required pursuant to paragraph (b) of subsection 2;

(2) Identifying any historic or prehistoric sites in accordance with the requirements of the Office for recording and reporting for those sites;

(3) Evaluating any historic or prehistoric sites for inclusion in the State Register of Historic Places, including any text excavations or other research;

(4) Evaluating the effect of the change in use of the land or the project on a historic or prehistoric site that is eligible for inclusion in the State Register of Historic Places; and

(5) Evidencing the preparation and carrying out of treatment plans that comply with the requirements of the Office for those plans; and

(b) Any other information relating to the proposed change of use required by the Office.

Amend sec. 12, page 4, by deleting lines 20 and 21 and inserting: "person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or sells cultural property appropriated from state land without a valid permit, unless a greater penalty is provided by a specific statute:

Amend sec. 12, page 4, by deleting lines 29 and 30 and inserting:

"(a) In accordance with an agreement with the Office entered into pursuant to section 11 of this"

Amend sec. 12, page 4, between lines 34 and 35, by inserting:

"3. In addition to any other penalty, a person who violates a provision of this section is liable for civil damages to the state agency or political subdivision which has jurisdiction over the state land in an amount equal to the cost or, in the discretion of the court, an amount equal to twice the cost of the restoration, stabilization and interpretation of the site plus any court costs and fees."

Amend the bill as a whole by deleting sections 13 and 14 and adding a new section designated sec. 13, following sec. 12, to read as follows:

"Sec. 13. The Office may adopt regulations to carry out the provisions of sections 5 to 13, inclusive, of this act."

Amend the title of the bill to read as follows:

"AN ACT relating to historic preservation; expanding the definition of "prehistoric site" to include sites of religious or cultural importance to an Indian tribe; authorizing the Office of Historic Preservation of the Department of Cultural Affairs to enter into certain agreements with a state agency or political subdivision concerning the preservation of historic or prehistoric sites; requiring a state agency or political subdivision to submit certain information to the Office before changing the use of or initiating a project on any portion of certain land; making it a crime to take certain actions which tend to injure or destroy historic or prehistoric sites on state land or to receive, traffic in or sell cultural property from state land without a
valid permit; providing a penalty; and providing other matters properly relating thereto.

Amend the summary of the bill to read as follows:
"SUMMARY—Makes various changes concerning protection of historic and prehistoric sites. (BDR 33-428)"

Senator Washington moved the adoption of the amendment.
Remarks by Senator Washington.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 98.
Bill read second time.
The following amendment was proposed by the Committee on Finance:
Amendment No. 496.
Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:
"Section 1. NRS 457.320 is hereby amended to read as follows:
457.320 1. The member of the Task Force described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 457.310 shall serve as Chairman during even-numbered years, and the member described in subparagraph (2) of paragraph (a) of subsection 1 of NRS 457.310 shall serve as Chairman during the odd-numbered years.
2. The members of the Task Force shall meet at least four times each year and at the call of the Chairman. The Task Force shall prescribe regulations for its management and government.
3. Six members of the Task Force constitute a quorum, and a quorum may exercise all the powers conferred on the Task Force.
4. After the initial terms, the term of each appointed member of the Task Force is 4 years. The Governor shall not appoint a member to serve more than two terms.
5. The members of the Task Force serve without compensation. While engaged in the business of the Task Force, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
6. The members of the Task Force who are state employees must be relieved from their duties without loss of their regular compensation to perform their duties relating to the Task Force in the most timely manner practicable. The state employees may not be required to make up the time they are absent from work to fulfill their obligations as members of the Task Force or take annual leave or compensatory time for the absence."
Amend sec. 2, page 2, line 5, by deleting "1" and inserting "2".
Amend the title of the bill to read as follows:
"AN ACT relating to cancer; revising the provisions relating to per diem allowances and travel expenses for members of the Task Force on Prostate Cancer; making an appropriation; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to per diem allowances and travel expenses for members of Task Force on Prostate Cancer. (BDR-40 1210)"

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. 115.
Bill read second time.
The following amendment was proposed by the Committee on Transportation and Homeland Security:
Amendment No. 483.
Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a local government or an advisory body to such a governing body may hold a closed meeting or close the relevant portion of a public meeting to:
   (a) Receive security briefings relating to threats of terrorism, acts of terrorism and related emergencies;
   (b) Discuss procedures for responding to threats of terrorism, acts of terrorism and related emergencies; or
   (c) Discuss deficiencies in security with respect to public services, public facilities and public infrastructure,
   if the governing body or advisory body determines, by an affirmative vote of at least two-thirds of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

2. The governing body of a local government or an advisory body to such a governing body may hold a closed meeting pursuant to this section or close the relevant portion of a public meeting pursuant to this section upon a motion which specifies the nature of the business to be considered.

3. Except as otherwise provided in subsection 4, all pertinent information and materials prepared for the governing body of a local government or an advisory body to such a governing body for a meeting or portion of a meeting closed pursuant to subsection 1 or received by the governing body or advisory body during such a meeting or portion of a meeting and all minutes and audiovisual, electronic or other reproductions
of such a meeting or portion of a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

4. The information, materials, minutes and reproductions described in subsection 3 must be made available for public inspection upon the lawful order of a court of competent jurisdiction.

5. As used in this section:
(a) "Act of terrorism" has the meaning ascribed to it in NRS 239C.030.
(b) "Advisory body" means an entity that:
   (1) Advises the governing body of a local government; and
   (2) Is designated by the governing body of the local government to perform activities or functions pertaining to preparedness for emergencies and associated operations.

Amend the title of the bill to read as follows:
"AN ACT relating to meetings of public bodies; authorizing the governing bodies of local governments and certain advisory bodies to such governing bodies to hold closed meetings or close the relevant portions of public meetings concerning matters relating to security and terrorism under certain circumstances; providing that records of such meetings are confidential and not subject to public inspection unless otherwise ordered by a court of competent jurisdiction; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Authorizes governing bodies of local governments and certain advisory bodies to such governing bodies to hold closed meetings concerning matters relating to security and terrorism under certain circumstances. (BDR 19-601)"

Senator Nolan moved the adoption of the amendment.
Remarks by Senator Nolan.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 124.
Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:
Amendment No. 577.
Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:
"Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:
1. In addition to any other penalty provided by law, if:
(a) A defendant pleads or is found guilty of a traffic violation, or enters a plea of nolo contendere to a traffic violation;
(b) The traffic violation proximately caused a collision involving a vehicle or pedestrian; and
(c) The collision was of sufficient severity to require a person who administers emergency medical services to be dispatched or summoned to the scene of the collision.

The defendant is liable to the State for a surcharge in the amount of $25 to support emergency medical services and services for the treatment of trauma.

2. Any money collected pursuant to subsection 1 must be deposited by the clerk of the court with the State Treasurer on or before the fifth day of each month for the preceding month for credit to the State General Fund.

3. The State Treasurer shall, on a quarterly basis, distribute the money deposited pursuant to subsection 2 in the following manner:

(a) To the county or district health department having oversight of emergency medical services pursuant to chapter 450B of NRS, that part of the quarterly distribution which is equal in proportion to the proportion that the population of the county served by that county or district health department bears to the population of all counties in this State.

(b) To the Health Division of the Department of Human Resources, that part of the quarterly distribution not distributed pursuant to paragraph (a).

4. The entities to which money is distributed pursuant to subsection 3 may expend the money only:

(a) To create, expand, operate and promote programs to increase and enhance the level and quality of emergency medical services provided within this State;

(b) To create, expand, operate and promote programs to increase and enhance the level and quality of facilities and services for the treatment of trauma within this State;

(c) To provide grants of money to state agencies, local governments, local governmental agencies and nonprofit organizations that are involved in the delivery, to residents of this State, of emergency medical services or services for the treatment of trauma; and

(d) For such other purposes as, in the determination of the entities to which the money is distributed pursuant to subsection 3, may improve and increase the delivery, to residents of this State, of emergency medical services and services for the treatment of trauma.

5. As used in this section:

(a) "Person who administers emergency medical services" has the meaning ascribed to it in NRS 450B.460.

(b) "Traffic violation" means an act that is a moving traffic violation for the purposes of NRS 483.473.

(c) "Trauma" has the meaning ascribed to it in NRS 450B.105.".

Amend the title of the bill to read as follows:

"AN ACT relating to traffic laws; providing for a surcharge to be imposed against and collected from a person who, in committing a traffic violation, proximately causes a collision requiring the dispatch of emergency medical services; requiring the proceeds from the surcharge to be distributed to
certain entities to support emergency medical services and services for the treatment of trauma; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Provides for imposition of surcharge for certain traffic violations to be used to support emergency medical services and services for treatment of trauma. (BDR 43-887)"

Senator Heck moved the adoption of the amendment.
Remarks by Senator Heck.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 212.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 351.
Amend section 1, pages 1 and 2, by deleting lines 3 through 5 on page 1 and lines 1 through 4 on page 2, and inserting:
"1. Except as otherwise provided in subsection 2, a class in high school must not begin before 7:35 a.m. each school day.
2. The provisions of subsection 1 do not apply to:
(a) A magnet school, an alternative education school, a career and technical education school or other specialty high school that a pupil elects to attend in lieu of attending the high school that the pupil is otherwise scheduled to attend;
(b) A class offered during an optional class period before the start of the regular school day;
(c) A school that voluntarily extends instructional time for pupils;
(d) A school that must operate double sessions to alleviate overcrowding; or
(e) A school that must extend the school day for additional class periods to alleviate overcrowding."

Amend the title of the bill to read as follows:
"AN ACT relating to education; providing that classes in high school must not begin before 7:35 a.m.; providing exceptions for certain schools and classes; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Limits time for commencement of morning classes in high school. (BDR 34-729)"

Senator Washington moved the adoption of the amendment.
Remarks by Senator Washington.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 233.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:

Amendment No. 376.

Amend sec. 2, page 2, lines 4, 6 and 10, by deleting: "wine or malt" and inserting "alcoholic".

Amend sec. 2, page 2, line 11, by deleting "and".

Amend sec. 2, page 2, line 12, after "(c)" by inserting: "Purchases any alcoholic beverages used for such samples from a wholesale dealer of alcoholic beverages who is licensed under chapter 369 of NRS; and (d)".

Amend sec. 2, page 2, lines 14 and 17, by deleting: "wine or malt" and inserting "alcoholic".

Amend sec. 2, page 2, line 18, after "3." by inserting: "Notwithstanding any other provision of law, a supplier, manufacturer, importer or wholesale dealer of alcoholic beverages may assist a person who operates a grocery store in serving samples of alcoholic beverages pursuant to this section. The assistance authorized by this subsection is limited to the pouring of such samples or the provision of information, instruction or education regarding the product being sampled, or any combination of those tasks. The provision of such assistance does not relieve the person who operates the grocery store from the responsibility of complying with all the requirements of this section. 4.".

Amend sec. 2, page 2, by deleting line 25 and inserting:

"5. A person who serves samples of alcoholic beverages on ."

Amend sec. 2, page 3, line 1, by deleting "5." and inserting "6."

Amend sec. 2, page 3, by deleting line 4 and inserting:

"7. As used in this section:
   (a) "Convenience store" means a store which is principally devoted to providing the public with a convenient location to purchase consumable products quickly and in which the area open to the public is less than 5,000 square feet.
   (b) "Grocery store" means a store ."

Amend sec. 2, page 3, by deleting line 11 and inserting:

"(1) A convenience store."

Amend sec. 2, page 3, line 12, by deleting "(b)" and inserting "(2)"

Amend sec. 3, page 3, line 20, by deleting "facility." and inserting: "facility, including, without limitation, compliance with all applicable federal bonding, permitting and other requirements for the production, blending, treatment, storage and bottling of wine.".

Amend sec. 3, page 3, by deleting line 29 and inserting:

"(c) Serve wine produced on the premises of the facility by the glass for consumption on the".

Amend sec. 3, page 3, line 36, by deleting: "received instruction or".

Amend sec. 3, page 3, by deleting lines 38 and 39 and inserting: "household or personal use. That person:"

(1) May distribute the wine to any other person of legal age as a gift.
(2) Shall not remove from the facility:
   (I) Any wine other than that which the person participated directly in
   the process of making on the premises of the facility.
   (II) More than 60 gallons of wine during any period of 12 months."
Amend sec. 3, page 4, line 29, after "Importing" by inserting "bulk".
Amend sec. 3, page 4, by deleting line 31 and inserting: "to be blended
with other wine and aged in a suitable cellar.".
Amend the title of the bill by deleting the second line and inserting:
"grocery stores to serve samples of alcoholic"
Senator Tiffany moved the adoption of the amendment.
Remarks by Senator Tiffany.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 296.
Bill read second time.
The following amendment was proposed by the Committee on Human
Resources and Education:
Amendment No. 345.
Amend the bill as a whole by renumbering sections 1 through 6 as
sections 2 through 7 and adding a new section designated section 1,
following the enacting clause, to read as follows:
"Section 1. Chapter 432 of NRS is hereby amended by adding thereto a
new section to read as follows:
As used in NRS 432.100 to 432.130, inclusive, and this section, "Central
Registry" means the Statewide Central Registry for the Collection of
Information Concerning the Abuse or Neglect of a Child established by
NRS 432.100."
Amend section 1, page 2, by deleting lines 5 and 6 and inserting: "[and in
the Central Office of the"
Amend section 1, page 2, by deleting lines 9 through 22 and inserting:
"(a) The information in any substantiated report of child abuse or neglect
made pursuant to NRS 432B.220 ; [, and the results, if any, of the
investigation of the report;]
(b) Statistical information on the protective services provided in this State; and
(c) Any other information which the Division determines to be in
furtherance of NRS 432.100 to 432.130, inclusive, and section 1 of this act,
and 432B.010 to 432B.400, inclusive.
3. The Division may designate a county hospital in each"
Amend section 1, page 2, line 25, after "child" by inserting: "release
information contained in the Central Registry to an employer:
(a) If the employer is required by law to conduct a background
investigation of a person for employment purposes; or
If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information, but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by an employee of the Division and by an agency which provides child welfare services.

Amend sec. 2, page 2, line 34, after "inclusive," by inserting: "and section 1 of this act."

Amend sec. 2, page 2, by deleting lines 38 through 40 and inserting: "receipt of information by employees of an agency which provides child welfare services."

Amend sec. 3, page 3, line 5, after "confirmed" by inserting "[and]."

Amend sec. 3, page 3, lines 6 and 7, by deleting "432B.310 and" and inserting "432B.310."

Amend sec. 3, page 3, line 8, by deleting "."

Amend sec. 3, page 3, line 16, after "reported" by inserting: "and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information."

Amend sec. 3, page 3, line 21, by deleting "expunged" and inserting "deleted".

Amend sec. 3, page 3, by deleting lines 24 through 30 and inserting: "3. The Division shall adopt regulations to carry out the provisions of this section."

Amend sec. 6, page 4, by deleting lines 32 and 33 and inserting: "child who has been abused or neglected, or an infant who is born and has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure or of"

Amend the bill as a whole by deleting sections 7 through 9 and renumbering sections 10 through 12 as sections 8 through 10.

Amend sec. 10, page 6, line 30, by deleting "3" and inserting "34"

Amend sec. 10, page 6, lines 33 and 34, by deleting: "or the effect of illegal substances or alcohol on the infant"

Amend sec. 10, page 7, by deleting lines 3 through 7 and inserting: "believe that the child has been abused or neglected."

Amend sec. 10, page 7, line 22, after "3." by inserting: "Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably
practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4.

Amend sec. 10, page 7, line 28, after "counselor," by inserting: "clinical social worker;".

Amend sec. 10, page 8, line 17, by deleting "4." and inserting "5."

Amend sec. 10, page 8, line 18, by deleting "5." and inserting "6."

Amend sec. 11, page 8, by deleting lines 43 and 44 and inserting: "the effect of prenatal illegal substance abuse on the newborn infant or the nature of the withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;"

Amend sec. 11, page 9, by deleting lines 2 and 3 and inserting:

"(2) Effects of prenatal illegal substance abuse on or evidence of withdrawal symptoms resulting from prenatal drug exposure of the newborn infant;"

Amend sec. 11, page 9, by deleting lines 5 through 7, and inserting: "possible abuse or neglect of a child, an agency which provides child welfare;"

Amend sec. 12, page 9, by deleting lines 23 through 27 and inserting: "neglect of a child, an agency which provides child welfare services or a".

Amend sec. 12, page 9, by deleting lines 36 through 40 and inserting: "of a report concerning the possible abuse or neglect of a child or notification;"

Amend sec. 12, page 10, line 8, by deleting: "or alcohol abuse on the" and inserting: "on or the withdrawal symptoms resulting from prenatal drug exposure of the newborn;"

Amend sec. 12, page 10, lines 27 and 28, by deleting: "or relating to prenatal illegal substance abuse or alcohol abuse;"

Amend sec. 12, page 10, line 38, by deleting "expunge" and inserting "[expunge] delete".

Amend sec. 12, page 11, by deleting lines 6 through 9 and inserting: "report of abuse or neglect of a child;"

Amend the bill as a whole by deleting sec. 13 and renumbering sec. 14 as sec. 11.

Amend sec. 14, page 12, by deleting lines 26 and 27 and inserting: "has reasonable cause to believe has been abused or neglected;".
Amend sec. 14, page 12, lines 30 and 31, by deleting: "or is affected by prenatal illegal substance abuse or alcohol abuse".

Amend sec. 14, page 13, line 9, by deleting "neglect [;]" and inserting "neglect;".


Amend sec. 14, page 13, lines 21 through 23, by deleting: "or the effect of prenatal illegal substance abuse or alcohol abuse on the infant".

Amend sec. 14, page 13, by deleting lines 37 through 39 and inserting: "the person alleged to have committed the abuse or neglect;".

Amend sec. 14, page 14, line 7, by deleting "or" and inserting "[or]".

Amend sec. 14, page 14, line 9, by deleting "services." and inserting: "services [;] or (u) An employer in accordance with subsection 3 of NRS 432.100.".

Amend sec. 14, page 14, by deleting lines 14 and 15 and inserting: "critically injured as a result of alleged abuse or neglect, except that the".

Amend sec. 14, page 14, lines 17 and 18, by deleting: "or of prenatal illegal substance abuse or alcohol abuse".

Amend sec. 14, page 14, by deleting lines 34 through 38 and inserting: "child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:".

Amend sec. 14, page 14, by deleting lines 42 and 43 and inserting: "abuse or neglect of the child; or".

Amend sec. 14, page 15, by deleting lines 1 through 3 and inserting: "the report as allegedly causing the abuse or neglect of the child; or".

Amend sec. 14, page 15, by deleting lines 6 through 9 and inserting: "neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.".

Amend the bill as a whole by deleting sec. 15, renumbering sec. 16 as sec. 13 and adding a new section designated sec. 12, following sec. 14, to read as follows:

"Sec. 12. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 5 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

(a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

(b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

(c) The disposition of the case.

2. As used in this section, "Central Registry" has the meaning ascribed to it in section 1 of this act.".

Amend sec. 16, page 16, by deleting lines 5 through 11 and inserting:
"(b) [He is suffering from congenital drug addiction or fetal alcohol syndrome because of the faults or habits of a person responsible for his welfare;]

(e) He has been subjected to abuse or neglect by a person".

Amend sec. 16, page 16, line 13, by deleting "(d)" and inserting "[(d) (e)]".
Amend sec. 16, page 16, line 15, by deleting "(e)" and inserting "[(e) (d)]".
Amend sec. 16, page 16, line 17, by deleting "(f)" and inserting "[(f) (e)]".
Amend sec. 16, page 16, after line 35, by inserting:

4. A child may be in need of protection if he is identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

Amend the bill as a whole by deleting sec. 17 and renumbering sec. 18 as sec. 14.

Amend sec. 18, page 17, line 9, by deleting "alcohol abuse" and inserting: "has withdrawal symptoms resulting from prenatal drug exposure".

Amend the bill as a whole by deleting sec. 19 and renumbering sec. 20 as sec. 15.

Amend the title of the bill to read as follows:

"AN ACT relating to children; revising the provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing an employer to obtain under certain circumstances certain information concerning a person who is found to have abused or neglected a child; requiring certain persons to notify an agency which provides child welfare services of newborn infants who are identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure and to refer persons responsible for the welfare of such infants to such agencies for counseling, training and other services; revising the provisions governing when a child is in need of protection because he is affected by alcohol use, illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure; providing a penalty; and providing other matters properly relating thereto.".

Senator Washington moved the adoption of the amendment.
Remarks by Senators Washington and Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 337.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 362.
Amend section 1, page 1, lines 2 and 3, by deleting "subsection 3," and inserting "this section;".
Amend section 1, page 2, by deleting lines 3 through 25 and inserting:
"3. Except as otherwise provided in subsection 5, a person who is 18 years of age or older and who unlawfully serves, sells or otherwise furnishes:

(a) An alcoholic beverage to another person who is under 21 years of age; or

(b) A controlled substance to another person of any age,

is liable in a civil action for any damages resulting from the consumption of the alcoholic beverage or controlled substance caused by the person who consumed the alcoholic beverage or controlled substance.

4. Except as otherwise provided in subsection 6, a person who is 18 years of age or older and who:

(a) Has control over any premises and is in a reasonable position to prevent the unlawful consumption on the premises of an alcoholic beverage by a person who is under 21 years of age or a controlled substance by another person of any age; and

(b) Knowingly or recklessly permits the unlawful consumption on the premises of an alcoholic beverage by a person who is under 21 years of age or a controlled substance by another person of any age,

is liable in a civil action for any damages resulting from the consumption of the alcoholic beverage or controlled substance caused by the person who consumed the alcoholic beverage or controlled substance.

5. The provisions of subsection 3 do not apply to the service, sale or furnishing of an alcoholic beverage by a person who is licensed to serve or sell alcoholic beverages or the agent of such a person.

6. The provisions of subsection 4 do not apply to a person who is licensed to serve or sell alcoholic beverages or the agent of such a person who permits the consumption of an alcoholic beverage on the premises.

7. If an injured person prevails in an action brought pursuant to subsection 3 or 4, the injured person may recover his actual damages, attorney’s fees, costs and punitive damages as the facts may warrant."

Amend the title of the bill to read as follows:

"AN ACT relating to intoxicating substances; establishing civil liability under certain circumstances for unlawfully serving, selling or otherwise furnishing an alcoholic beverage to a minor or for unlawfully serving, selling or otherwise furnishing a controlled substance to another person; establishing civil liability under certain circumstances for knowingly or recklessly permitting the unlawful consumption of an alcoholic beverage or a controlled substance on the premises; revising the provisions pertaining to the crime of selling, giving or otherwise furnishing an alcoholic beverage to a minor; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes changes pertaining to intoxicating substances. (BDR 3-784)"

Senator Amodei moved the adoption of the amendment.

Remarks by Senators Amodei, Carlton and Titus.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 338.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 291.
Amend the bill as a whole by deleting sections 1 through 71 and adding new sections designated sections 1 through 58, following the enacting clause, to read as follows:

"Section 1. NRS 78.120 is hereby amended to read as follows:

78.120 1. Subject only to such limitations as may be provided by this chapter, or the articles of incorporation of the corporation, the board of directors has full control over the affairs of the corporation.

2. Except as otherwise provided in this subsection and subject to the bylaws, if any, adopted by the stockholders, the directors may make the bylaws of the corporation. Unless otherwise prohibited by any bylaw adopted by the stockholders, the directors may adopt, amend or repeal any bylaw, including any bylaw adopted by the stockholders. The articles of incorporation may grant the authority to adopt, amend or repeal bylaws exclusively to the directors.

3. The selection of a period for the achievement of corporate goals is the responsibility of the directors.

Sec. 2. NRS 78.1955 is hereby amended to read as follows:

78.1955 1. If the voting powers, designations, preferences, limitations, restrictions and relative rights of any class or series of stock have been established by a resolution of the board of directors pursuant to a provision in the articles of incorporation, a certificate of designation setting forth the resolution must be signed by an officer of the corporation and filed with the Secretary of State. A certificate of designation signed and filed pursuant to this section must become effective before the issuance of any shares of the class or series.

2. Unless otherwise provided in the articles of incorporation or the certificate of designation being amended, if no shares of a class or series of stock established by a resolution of the board of directors have been issued, the designation of the class or series, the number of the class or series and the voting powers, designations, preferences, limitations, restrictions and relative rights of the class or series may be amended by a resolution of the board of directors pursuant to a certificate of amendment filed in the manner provided in subsection 4.

3. Unless otherwise provided in the articles of incorporation or the certificate of designation, if shares of a class or series of stock established by a resolution of the board of directors have been issued, the designation of the class or series, the number of the class or series and the voting powers, designations, preferences, limitations, restrictions and relative rights of the
class or series may be amended by a resolution of the board of directors only if the amendment is approved as provided in this subsection. Unless otherwise provided in the articles of incorporation or the certificate of designation, the proposed amendment adopted by the board of directors must be approved by the vote of stockholders holding shares in the corporation entitling them to exercise a majority of the voting power, or such greater proportion of the voting power as may be required by the articles of incorporation or the certificate of designation, of:

(a) The class or series of stock being amended; and

(b) Each class and each series of stock which, before amendment, is senior to the class or series being amended as to the payment of distributions upon dissolution of the corporation, regardless of any limitations or restrictions on the voting power of that class or series.

4. A certificate of amendment to a certificate of designation must be signed by an officer of the corporation and filed with the Secretary of State and must:

(a) Set forth the original designation and the new designation, if the designation of the class or series is being amended;

(b) State that no shares of the class or series have been issued or state that the approval of the stockholders required pursuant to subsection 3 has been obtained; and

(c) Set forth the amendment to the class or series or set forth the designation of the class or series, the number of the class or series and the voting powers, designations, preferences, limitations, restrictions and relative rights of the class or series, as amended.

5. A certificate filed pursuant to subsection 1 or 4 becomes effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be later than 90 days after the certificate is filed.

6. If shares of a class or series of stock established by a certificate of designation are not outstanding, the corporation may file a certificate which states that no shares of the class or series are outstanding and which contains the resolution of the board of directors authorizing the withdrawal of the certificate of designation establishing the class or series of stock. The certificate must be signed by an officer of the corporation and filed with the Secretary of State. Upon filing the certificate and payment of the fee required pursuant to NRS 78.765, all matters contained in the certificate of designation regarding the class or series of stock are eliminated from the articles of incorporation.

7. NRS 78.380, 78.385 and 78.390 do not apply to certificates of amendment filed pursuant to this section.

Sec. 3. NRS 78.205 is hereby amended to read as follows:

78.205 1. A corporation is not obligated to but may sign and deliver a certificate for or including a fraction of a share.
2. In lieu of signing and delivering a certificate for a fraction of a share, a corporation may:
   (a) Pay to any person otherwise entitled to become a holder of a fraction of a share:
       (1) The appraised value of that share if the appraisal was properly demanded pursuant to this chapter or chapter 92A of NRS; or
       (2) If no appraisal was demanded or an appraisal was not properly demanded, an amount in cash based on a per share value, and that value or the method of determining that value must be specified in the articles, plan of reorganization, plan of merger or exchange, resolution of the board of directors, or other instrument pursuant to which the fractional share would otherwise be issued; or, if not specified, then as may be determined for that purpose by the board of directors of the issuing corporation;
   (b) Issue such additional fraction of a share as is necessary to increase the fractional share to a full share; or
   (c) Sign and deliver registered or bearer scrip over the manual or facsimile signature of an officer of the corporation or of its agent for that purpose, exchangeable as provided on the scrip for full share certificates, but the scrip does not entitle the holder to any rights as a stockholder except as provided on the scrip. The scrip may provide that it becomes void unless the rights of the holders are exercised within a specified period and may contain any other provisions or conditions that the corporation deems advisable. Whenever any scrip ceases to be exchangeable for full share certificates, the shares that would otherwise have been issuable as provided on the scrip are deemed to be treasury shares unless the scrip contains other provisions for their disposition.

3. The provisions of this section do not prevent a person who holds a fractional share from disputing the appraised value of a share pursuant to NRS 92A.300 to 92A.500, inclusive, if the person is otherwise entitled to exercise such rights. Any proposed corporate action that would result in money or scrip being delivered instead of fractional shares to stockholders who:
   (a) Before the proposed corporate action becomes effective, hold 1 percent or more of the outstanding shares of the affected class or series; and
   (b) Would otherwise be entitled to receive fractions of shares in exchange for the cancellation of all their outstanding shares,
   is subject to the provisions of NRS 92A.300 to 92A.500, inclusive. If the proposed corporate action is subject to those provisions, any stockholder who is obligated to accept money or scrip rather than receive a fraction of a share resulting from the action taken pursuant to this section may dissent in accordance with the provisions of NRS 92A.300 to 92A.500, inclusive, and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.
Sec. 4. NRS 78.209 is hereby amended to read as follows:

78.209 1. A change pursuant to NRS 78.207 is not effective until after the filing in the Office of the Secretary of State of a certificate, signed by an officer of the corporation, setting forth:

(a) The current number of authorized shares and the par value, if any, of each class or series, if any, of shares before the change;
(b) The number of authorized shares and the par value, if any, of each class or series, if any, of shares after the change;
(c) The number of shares of each affected class or series, if any, to be issued after the change in exchange for each issued share of the same class or series;
(d) The provisions, if any, for the issuance of fractional shares, or for the payment of money or the issuance of scrip to stockholders otherwise entitled to a fraction of a share and the percentage of outstanding shares affected thereby; and
(e) That any required approval of the stockholders has been obtained.

The provisions in the articles of incorporation of the corporation regarding the authorized number and par value, if any, of the changed class or series, if any, of shares shall be deemed amended as provided in the certificate at the effective date and time of the change.

2. Unless an increase or decrease of the number of authorized shares pursuant to NRS 78.207 is accomplished by an action that otherwise requires an amendment to the articles of incorporation of the corporation, such an amendment is not required by that section.

3. A certificate filed pursuant to subsection 1 is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

4. If a certificate filed pursuant to subsection 1 specifies an effective date, the board of directors may terminate the effectiveness of the certificate by resolution. A certificate of termination must:

(a) Be filed with the Secretary of State before the effective date specified in the certificate filed pursuant to subsection 1;
(b) Identify the certificate being terminated;
(c) State that the effectiveness of the certificate has been terminated;
(d) Be signed by an officer of the corporation; and
(e) Be accompanied by the fee required pursuant to NRS 78.765.

Sec. 5. NRS 78.211 is hereby amended to read as follows:

78.211 1. The board of directors may authorize shares to be issued for consideration consisting of any tangible or intangible property or benefit to the corporation, including, but not limited to, cash, promissory notes, services performed, contracts for services to be performed or other securities of the corporation. The judgment of the board of directors as to the consideration received for the shares issued is conclusive in the absence of actual fraud in the transaction.
2. When the corporation receives the consideration for which the board of directors authorized the issuance of shares, the shares issued therefor are fully paid.

3. The corporation may place in escrow shares issued for a contract for future services or benefits or a promissory note, or make any other arrangements to restrict the transfer of the shares. The corporation may credit distributions made for the shares against their purchase price, until the services are performed, the benefits are received or the promissory note is paid. If the services are not performed, the benefits are not received or the promissory note is not paid, the shares escrowed or restricted and the distributions credited may be cancelled in whole or in part.

4. For the purposes of this section, "benefit to the corporation" includes, without limitation, the authorization of the issuance of shares to up to 100 persons without consideration for the sole purpose of qualifying the corporation as a real estate investment trust pursuant to 26 U.S.C. §§ 856 et seq., as amended, or any successor provision, and any regulations adopted pursuant thereto.

Sec. 6. NRS 78.242 is hereby amended to read as follows:

78.242 1. Subject to the limitation imposed by NRS 104.8204, a written restriction on the transfer or registration of transfer of the stock of a corporation, if permitted by this section, may be enforced against the holder of the restricted stock or any successor or transferee of the holder, including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder.

2. A restriction on the transfer or registration of transfer of the stock of a corporation may be imposed by the articles of incorporation or by the bylaws or by an agreement among any number of stockholders or between one or more stockholders and the corporation. No restriction so imposed is binding with respect to stocks issued before the adoption of the restriction unless the stockholders are parties to an agreement or voted in favor of the restriction.

3. A restriction on the transfer or the registration of transfer of shares is valid and enforceable against the transferee of the stockholder if the restriction is not prohibited by other law and its existence is noted conspicuously on the front or back of the stock certificate or is contained in the statement of information required by NRS 78.235. Unless so noted, a restriction is not enforceable against a person without knowledge of the restriction.

4. A restriction on the transfer or registration of transfer of stock of a corporation is permitted, without limitation by this enumeration, if it:
   (a) Obligates the stockholder first to offer to the corporation or to any other stockholder or stockholders of the corporation or to any other person or persons or to any combination of the foregoing a prior opportunity, to be exercised within a reasonable time, to acquire the stock;
   (b) Obligates the corporation or any holder of stock of the corporation or any other person or any combination of the foregoing to purchase stock
which is the subject of an agreement respecting the purchase and sale of the stock;

c) Requires the corporation or any stockholder or stockholders to consent to any proposed transfer of the stock or to approve the proposed transferee of stock;

d) Prohibits the transfer of the stock to designated persons or classes of persons, and such designation is not manifestly unreasonable; or

e) Prohibits the transfer of stock:

1) To maintain the corporation’s status when it is dependent on the number or identity of its stockholders;

2) To preserve exemptions under federal or state laws governing taxes or securities including, without limitation, the qualification of the corporation as a real estate investment trust pursuant to 26 U.S.C. §§ 856 et seq., as amended, or any successor provision, and any regulations adopted pursuant thereto; or

3) For any other reasonable purpose.

5. For the purposes of this section, “stock” includes a security convertible into or carrying a right to subscribe for or to acquire stock.

Sec. 7. NRS 78.283 is hereby amended to read as follows:

78.283 1. As used in this section, “treasury shares” means shares of a corporation issued and thereafter acquired by the corporation or another entity, the majority of whose outstanding voting power to elect its general partner, directors, managers or members of the governing body is beneficially held, directly or indirectly, by the corporation, which have not been retired or restored to the status of unissued shares.

2. Treasury shares held by the corporation do not carry voting rights or participate in distributions, may not be counted as outstanding shares for any purpose and may not be counted as assets of the corporation for the purpose of computing the amount available for distributions.

3. Treasury shares held by another entity, the majority of whose outstanding voting power to elect its general partner, directors, managers or members of the governing body is beneficially held, directly or indirectly, by the corporation, do not carry voting rights and, unless otherwise determined by the board of directors of the corporation, do not participate in distributions, may not be counted as outstanding shares for any purpose and may not be counted as assets of the entity.

4. Unless the articles of incorporation provide otherwise, treasury shares may be retired and restored to the status of authorized and unissued shares without an amendment to the articles of incorporation or may be disposed of for such consideration as the board of directors may determine.

5. This section does not limit the right of a corporation to vote its shares held by it in a fiduciary capacity.

Sec. 8. NRS 78.350 is hereby amended to read as follows:

78.350 1. Unless otherwise provided in the articles of incorporation, or in the resolution providing for the issuance of the stock adopted by the board
of directors pursuant to authority expressly vested in it by the provisions of the articles of incorporation, every stockholder of record of a corporation is entitled at each meeting of stockholders thereof to one vote for each share of stock standing in his name on the records of the corporation. If the articles of incorporation, or the resolution providing for the issuance of the stock adopted by the board of directors pursuant to authority expressly vested in it by the articles of incorporation, provides for more or less than one vote per share for any class or series of shares on any matter, every reference in this chapter to a majority or other proportion of stock shall be deemed to refer to a majority or other proportion of the voting power of all of the shares or those classes or series of shares, as may be required by the articles of incorporation, or in the resolution providing for the issuance of the stock adopted by the board of directors pursuant to authority expressly vested in it by the provisions of the articles of incorporation, or the provisions of this chapter.

2. Unless a period of more than 60 days or a period of less than 10 days is prescribed or fixed in the articles of incorporation, the directors may prescribe a period not exceeding 60 days before any meeting of the stockholders during which no transfer of stock on the books of the corporation may be made, or may fix, in advance, a record date not more than 60 or less than 10 days before the date of any such meeting as the date as of which stockholders entitled to notice of and to vote at such meetings must be determined. Only stockholders of record on that date are entitled to notice or to vote at such a meeting. If a record date is not fixed, the record date is at the close of business on the day before the day on which the first notice is given or, if notice is waived, at the close of business on the day before the meeting is held. A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders applies to an adjournment of the meeting unless the board of directors fixes a new record date for the adjourned meeting. The board of directors must fix a new record date if the meeting is adjourned to a date more than 60 days later than the date set for the original meeting.

3. The board of directors may adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined. The date prescribed by the board of directors may not precede or be more than 10 days after the date the resolution is adopted by the board of directors. If the board of directors does not adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined and:

(a) No prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is the first date on which a valid, written consent is delivered in accordance with the provisions of NRS 78.320.
(b) Prior action by the board of directors is required by this chapter [4] or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is at the close of business on the day the board of directors adopts the resolution.

4. The provisions of this section do not restrict the directors from taking action to protect the interests of the corporation and its stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that deny rights, privileges, power or authority to a holder or holders of a specified number of shares or percentage of share ownership or voting power.

Sec. 9. NRS 78.355 is hereby amended to read as follows:

78.355 1. At any meeting of the stockholders of any corporation any stockholder may designate another person or persons to act as a proxy or proxies. If any stockholder designates two or more persons to act as proxies, a majority of those persons present at the meeting, or, if only one is present, then that one has and may exercise all of the powers conferred by the stockholder upon all of the persons so designated unless the stockholder provides otherwise.

2. Without limiting the manner in which a stockholder may authorize another person or persons to act for him as proxy pursuant to subsection 1, the following constitute valid means by which a stockholder may grant such authority:

(a) A stockholder may sign a writing authorizing another person or persons to act for him as proxy. The proxy may be limited to action on designated matters.

(b) A stockholder may authorize another person or persons to act for him as proxy by transmitting or authorizing the transmission of an electronic record to the person who will be the holder of the proxy or to a firm which solicits proxies or like agent who is authorized by the person who will be the holder of the proxy to receive the transmission. Any such electronic record must either set forth or be submitted with information from which it can be determined that the electronic record was authorized by the stockholder. If it is determined that the electronic record is valid, the persons appointed by the corporation to count the votes of stockholders and determine the validity of proxies and ballots or other persons making those determinations must specify the information upon which they relied.

3. Any copy, communication by electronic transmission or other reliable reproduction of the record created pursuant to subsection 2 may be substituted for the original record for any purpose for which the original record could be used, if the copy, communication by electronic transmission or other reproduction is a complete reproduction of the entire original record.

4. Except as otherwise provided in subsection 5, no such proxy is valid after the expiration of 6 months from the date of its creation unless the stockholder specifies in it the length of time for which it is to continue in force, which may not exceed 7 years from the date of its creation. Subject to
these restrictions, any proxy properly created is not revoked and continues in full force and effect until [another] :

(a) Another instrument or transmission revoking it or a properly created proxy bearing a later date is filed with or transmitted to the secretary of the corporation or another person or persons appointed by the corporation to count the votes of stockholders and determine the validity of proxies and ballots [.

(b) The stockholder revokes the proxy by attending the meeting and voting the stockholder’s shares in person, in which case, any vote cast by the person or persons designated by the stockholder to act as a proxy or proxies must be disregarded by the corporation when the votes are counted.

5. A proxy shall be deemed irrevocable if the written authorization states that the proxy is irrevocable [and, but is irrevocable only for as long as it is coupled with an interest sufficient in law to support an irrevocable power, [such as] including, without limitation, the appointment as proxy of a pledgee, a person who purchased or agreed to purchase the shares, a creditor of the corporation who extended it credit under terms requiring the appointment, an employee of the corporation whose employment contract requires the appointment or a party to a voting agreement created pursuant to subsection 3 of NRS 78.365. [A] Unless otherwise provided in the proxy, a proxy made irrevocable pursuant to this subsection is revoked when the interest with which it is coupled is extinguished [.

6. If any stockholder subject to a properly created irrevocable proxy attends any meeting of the stockholders for which the authorization grants authority to act on the stockholder’s behalf at the meeting to a proxy or proxies, unless expressly otherwise provided in the written authorization or electronic record:

(a) Only the proxy or proxies may have and exercise all the powers of the stockholder at the meeting; and

(b) Only a vote of the proxy or proxies may be regarded by the corporation when the votes are counted.

Sec. 10. NRS 78.380 is hereby amended to read as follows:

78.380 1. At least two-thirds of the incorporators or of the board of directors of any corporation, if no voting stock of the corporation has been issued, may amend the articles of incorporation of the corporation by signing and filing with the Secretary of State a certificate amending, modifying, changing or altering the articles, in whole or in part. The certificate must state that:
(a) The signers thereof are at least two-thirds of the incorporators or of the
board of directors of the corporation, and state the name of the corporation;
and
(b) As of the date of the certificate, no voting stock of the corporation has
been issued.

2. A certificate filed pursuant to this section is effective upon filing the
certificate with the Secretary of State or upon a later date specified in the
certificate, which must not be [later] more than 90 days after the certificate is
filed.

3. If a certificate specifies an effective date and if no voting stock of the
corporation has been issued, the board of directors may terminate the
effectiveness of a certificate by filing a certificate of termination with the
Secretary of State that:
   (a) Identifies the certificate being terminated;
   (b) States that no voting stock of the corporation has been issued;
   (c) States that the effectiveness of the certificate has been terminated;
   (d) Is signed by at least two-thirds of the board of directors of the
corporation; and
   (e) Is accompanied by the fee required pursuant to NRS 78.765.

4. This section does not permit the insertion of any matter not in
conformity with this chapter.

Sec. 11. NRS 78.390 is hereby amended to read as follows:

78.390 1. Every amendment to the articles of incorporation must be
made in the following manner:
   (a) The board of directors must adopt a resolution setting forth the
   amendment proposed and either call a special meeting of the stockholders
   entitled to vote on the amendment or direct that the proposed amendment be
   considered at the next annual meeting of the stockholders entitled to vote on
   the amendment.
   (b) At the meeting, of which notice must be given to each stockholder
   entitled to vote pursuant to the provisions of this section, a vote of the
   stockholders entitled to vote in person or by proxy must be taken for and
   against the proposed amendment. If it appears upon the canvassing of the
   votes that stockholders holding shares in the corporation entitling them to
   exercise at least a majority of the voting power, or such greater proportion of
   the voting power as may be required in the case of a vote by classes or series,
   as provided in subsections 2 and 4, or as may be required by the provisions of
   the articles of incorporation, have voted in favor of the amendment, an
   officer of the corporation shall sign a certificate setting forth the amendment,
   or setting forth the articles of incorporation as amended, and the vote by
   which the amendment was adopted.
   (c) The certificate so signed must be filed with the Secretary of State.
2. Except as otherwise provided in this subsection, if any proposed
amendment would adversely alter or change any preference or any relative or
other right given to any class or series of outstanding shares, then the
amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The amendment does not have to be approved by the vote of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the right to vote on such an amendment.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 becomes effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be later more than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;
(b) Identifies the certificate being terminated;
(c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;
(d) States that the effectiveness of the certificate has been terminated;
(e) Is signed by an officer of the corporation; and
(f) Is accompanied by a filing fee of $175.

Sec. 12. NRS 78.403 is hereby amended to read as follows:

78.403 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles of incorporation as amended by filing with the Secretary of State a certificate in the manner provided in this section. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 78.380, 78.385 and 78.390, as applicable.
2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

3. The following may be omitted from the restated articles:
   (a) The names, addresses, signatures and acknowledgments of the incorporators;
   (b) The names and addresses of the members of the past and present boards of directors; and
   (c) The name and address of the resident agent.

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 13. NRS 78A.180 is hereby amended to read as follows:

78A.180 1. A corporation may voluntarily terminate its status as a close corporation, and cease to be subject to the provisions of this chapter, by amending the certificate of incorporation to delete therefrom the additional provisions required or permitted by NRS 78A.020 to be stated in the certificate of incorporation of a close corporation. An amendment must be adopted and become effective in accordance with NRS 78.390, except that it must be approved by a vote of the holders of record of at least two-thirds of the voting shares of each class of stock of the corporation that are outstanding.

2. The certificate of incorporation of a close corporation may provide that on any amendment to terminate the status as a close corporation, a vote greater than two-thirds or a vote of all shares of any class may be required. If the certificate of incorporation contains such a provision, that provision may not be amended, repealed or modified by any vote less than that required to terminate the status of the corporation as a close corporation.

3. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 14. NRS 82.346 is hereby amended to read as follows:

82.346 1. If the first meeting of the directors has not taken place and if there are no members, a majority of the incorporators of a corporation may amend the original articles by signing and proving in the manner required for original articles, and filing with the Secretary of State a certificate amending,
modifying, changing or altering the original articles, in whole or in part. The
certificate must state that:
(a) The signers thereof are a majority of the original incorporators of the
corporation; and
(b) As of the date of the certification, no meeting of the directors has taken
place and the corporation has no members other than the incorporators.

2. [The amendment] A certificate filed pursuant to this section is
effective upon filing the certificate with the Secretary of State
or upon a later date specified in the certificate, which must not be more
than 90 days after the certificate is filed.

3. This section does not permit the insertion of any matter not in
conformity with this chapter.

4. The Secretary of State shall charge the fee allowed by law for filing
the amended certificate of incorporation.

Sec. 15. NRS 82.356 is hereby amended to read as follows:
82.356 1. Each amendment adopted pursuant to the provisions of
NRS 82.351 must be made in the following manner:
(a) The board of directors must adopt a resolution setting forth the
amendment proposed, approve it and, if the corporation has members entitled
to vote on an amendment to the articles, call a meeting, either annual or
special, of the members. The amendment must also be approved by each
public official or other person whose approval of an amendment of articles is
required by the articles.
(b) At the meeting of members, of which notice must be given to each
member entitled to vote pursuant to the provisions of this section, a vote of
the members entitled to vote in person or by proxy must be taken for and
against the proposed amendment. A majority of a quorum of the voting
power of the members or such greater proportion of the voting power of
members as may be required in the case of a vote by classes, as provided in
subsection 3, or as may be required by the articles, must vote in favor of the
amendment.
(c) Upon approval of the amendment by the directors, or if the corporation
has members entitled to vote on an amendment to the articles, by both the
directors and those members, and such other persons or public officers, if
any, as are required to do so by the articles, an officer of the corporation must
sign a certificate setting forth the amendment, or setting forth the articles as
amended, that the public officers or other persons, if any, required by the
articles have approved the amendment, and the vote of the members and
directors by which the amendment was adopted.
(d) The certificate so signed must be filed in the Office of the Secretary of
State.

2. [Upon filing the certificate, the articles of incorporation are amended
accordingly.] A certificate filed pursuant to this section is effective upon
filing the certificate with the Secretary of State or upon a later date specified
in the certificate, which must not be more than 90 days after the certificate is filed.

3. If any proposed amendment would alter or change any preference or any relative or other right given to any class of members, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of a majority of a quorum of the voting power of each class of members affected by the amendment regardless of limitations or restrictions on their voting power.

4. In the case of any specified amendments, the articles may require a larger vote of members than that required by this section.

Sec. 16. NRS 82.371 is hereby amended to read as follows:

82.371 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles as amended by filing with the Secretary of State a certificate which must set forth the articles as amended to the date of the certificate. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 82.346, 82.351 and 82.356, as applicable, and must be accompanied by:
   (a) A resolution; or
   (b) A form prescribed by the Secretary of State, setting forth which provisions of the articles of incorporation on file with the Secretary of State are being altered or amended.

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and must state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles as amended to the date of the certificate.

3. The following may be omitted from the restated articles:
   (a) The names, addresses, signatures and acknowledgments of the incorporators;
   (b) The names and addresses of the members of the past and present board of directors; and
   (c) The name and address of the resident agent.

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed after the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 17. NRS 82.451 is hereby amended to read as follows:

82.451 1. A corporation may be dissolved and its affairs wound up voluntarily if the board of directors adopts a resolution to that effect and calls a meeting of the members entitled to vote to take action upon the resolution.
The resolution must also be approved by any person or superior organization whose approval is required by a provision of the articles authorized by NRS 82.091. The meeting of the members must be held with due notice. If at the meeting the members entitled to exercise a majority of all the voting power consent by resolution to the dissolution, a certificate signed by an officer of the corporation setting forth that the dissolution has been approved in compliance with this section, together with a list of the names and addresses, either residence or business, of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the corporation, must be filed in the Office of the Secretary of State.

2. If a corporation has no members entitled to vote upon a resolution calling for the dissolution of the corporation, the corporation may be dissolved and its affairs wound up voluntarily by the board of directors if it adopts a resolution to that effect. The resolution must also be approved by any person or superior organization whose approval is required by a provision of the articles authorized by NRS 82.091. A certificate setting forth that the dissolution has been approved in compliance with this section and a list of the officers and directors, signed as provided in subsection 1, must be filed in the Office of the Secretary of State.

3. Upon the dissolution of any corporation under the provisions of this section or upon the expiration of its period of corporate existence, the directors are the trustees of the corporation in liquidation and in winding up the affairs of the corporation. The act of a majority of the directors as trustees remaining in office is the act of the directors as trustees.

4. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 18. Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 20 of this act.

Sec. 19. "Series" and "series of members" are synonymous terms and, unless the context otherwise requires, mean a series of members’ interests having separate rights, powers or duties with respect to property, obligations or profits and losses associated with property or obligations, which are specified in the articles of organization or operating agreement or specified by one or more members or managers or other persons as provided in the articles of organization or operating agreement.

Sec. 20. 1. For any limited-liability company where management is vested in one or more managers and where no member’s interest in the limited-liability company has been issued, at least two-thirds of the organizers or the managers of the limited-liability company may amend the articles of organization of the limited-liability company by signing and filing with the Secretary of State a certificate amending, modifying, changing or altering the articles, in whole or in part. The certificate must state that:
(a) The signers thereof are at least two-thirds of the organizers or the managers of the limited-liability company, and state the name of the limited-liability company; and

(b) As of the date of the certificate, no member's interest in the limited-liability company has been issued.

2. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

3. If a certificate filed pursuant to this section specifies an effective date and if no member's interest in the limited-liability company has been issued, the managers of the limited-liability company may terminate the effectiveness of the certificate by filing a certificate of termination with the Secretary of State that:

(a) Identifies the certificate being terminated;

(b) States that no member's interest in the limited-liability company has been issued;

(c) States that the effectiveness of the certificate has been terminated;

(d) Is signed by at least two-thirds of the managers; and

(e) Is accompanied by a filing fee of $175.

4. This section does not permit the insertion of any matter not in conformity with this chapter.

Sec. 21. NRS 86.011 is hereby amended to read as follows:

86.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 86.022 to 86.128, inclusive, and section 19 of this act have the meanings ascribed to them in those sections.

Sec. 22. NRS 86.161 is hereby amended to read as follows:

86.161 1. The articles of organization must set forth:

(a) The name of the limited-liability company;

(b) The name and complete street address of its resident agent, and the mailing address of the resident agent if different from the street address;

(c) The name and address, either residence or business, of each of the organizers signing the articles; and

(d) If the company is to be managed by:

(1) One or more managers, the name and address, either residence or business, of each initial manager; or

(2) The members, the name and address, either residence or business, of each initial member; and

(e) If the company is to have one or more series of members and the debts or liabilities of any series are to be enforceable against the assets of that series only and not against the assets of another series or the company generally, a statement to that effect and a statement:

(1) Setting forth the relative rights, powers and duties of the series; or

(2) Indicating that the relative rights, powers and duties of the series will be set forth in the operating agreement or established as provided in the operating agreement.
2. The articles may set forth any other provision, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the company, including any provisions which under this chapter are required or permitted to be set out in the operating agreement of the company.

3. It is not necessary to set out in the articles of organization:
(a) The rights of the members to contract debts on behalf of the limited-liability company if the limited-liability company is managed by its members;
(b) The rights of the manager or managers to contract debts on behalf of the limited-liability company if the limited-liability company is managed by a manager or managers; or
(c) Any of the powers enumerated in this chapter.

Sec. 23. NRS 86.171 is hereby amended to read as follows:

86.171 1. The name of a limited-liability company formed under the provisions of this chapter must contain the words "Limited-Liability Company," "Limited Liability Company," "Limited Company," or "Limited" or the abbreviations "Ltd.," "L.L.C.," "L.C.," "LLC" or "LC." The word "Company" may be abbreviated as "Co."

2. The name proposed for a limited-liability company must be distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title. If a proposed name is not so distinguishable, the Secretary of State shall return the articles of organization to the organizer, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of organization.

3. For the purposes of this section and NRS 86.176, a proposed name is not distinguishable from a name on file or reserved name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name, or any combination thereof:
4. The name of a limited-liability company whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing any articles of organization for any limited-liability company if the name of the limited-liability company contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the limited-liability company:
(a) Is registered pursuant to the provisions of chapter 628 of NRS; or
(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the limited-liability company is not
engaged in the practice of accounting and is not offering to practice accounting in this State.

6. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the word "bank" or "trust" unless:
   (a) It appears from the articles of organization or the certificate of amendment that the limited-liability company proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association or thrift company; and
   (b) The articles of organization or certificate of amendment is first approved by the Commissioner of Financial Institutions.

7. The Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the limited-liability company is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the limited-liability company.

8. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of organization or certificate of amendment of articles of organization of any limited-liability company formed or existing pursuant to the laws of this State which provides that the name of the limited-liability company contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:
   (a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the limited-liability company are licensed to practice engineering pursuant to the laws of this State; or
   (b) The State Board of Professional Engineers and Land Surveyors certifies that the limited-liability company is exempt from the prohibitions of NRS 625.520.

9. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 24. NRS 86.221 is hereby amended to read as follows:

86.221 1. The articles of organization of a limited-liability company may be amended for any purpose, not inconsistent with law, as determined by all of the members or permitted by the articles or an operating agreement.

2. An amendment must be made in the form of a certificate setting forth:
   (a) The name of the limited-liability company;
   (b) Whether the limited-liability company is managed by managers or members; and
(c) The amendment to the articles of organization.

3. The certificate of amendment must be signed by a manager of the company or, if management is not vested in a manager, by a member.

4. Restated articles of organization may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the articles in any manner, it must be accompanied by:
   (a) A resolution; or
   (b) A form prescribed by the Secretary of State, setting forth which provisions of the articles of organization on file with the Secretary of State are being altered or amended.

5. The following may be omitted from the restated articles of organization:
   (a) The names, addresses, signatures and acknowledgments of the organizers;
   (b) The names and addresses of the past and present members or managers; and
   (c) The name and address of the resident agent.

Sec. 25. NRS 86.291 is hereby amended to read as follows:

86.291 1. Except as otherwise provided in this section or the articles of organization, management of a limited-liability company is vested in its members in proportion to their contribution to its capital, as adjusted from time to time to reflect properly any additional contributions or withdrawals by the members.

2. Unless otherwise provided in the articles of organization or operating agreement, the management of a series is vested in the members associated with the series in proportion to their contribution to the capital of the series, as adjusted from time to time to reflect properly any additional contribution or withdrawals from the assets or income of the series by the members associated with the series.

3. If provision is made in the articles of organization, management of the company may be vested in a manager or managers, who may but need not be members, in the manner prescribed by the operating agreement of the company. The manager or managers also hold the offices and have the responsibilities accorded to them by the members and set out in the operating agreement.

Sec. 26. NRS 86.296 is hereby amended to read as follows:

86.296 1. The articles of organization or operating agreement of a limited-liability company may create classes of members or managers, define their relative rights, powers and duties, and may authorize the creation, in the manner provided in the operating agreement, of additional classes of members or managers with the relative rights, powers and duties as may from time to time be established, including, without limitation, rights, powers and duties senior to existing classes of members or managers. The articles of organization or operating agreement may provide that any member, or class
or group of members, has voting rights that differ from other classes or groups.

2. The articles of organization or operating agreement of a limited-liability company may create one or more series of members, or vest authority in one or more members or managers of the company or in other persons to create one or more series of members, including, without limitation, rights, powers and duties senior to existing series of members. The articles of organization or operating agreement may provide that any member associated with a series has voting rights that differ from other members or series, or no voting rights at all. A series may have separate powers, rights or duties with respect to specified property or obligations of the company or profits and losses associated with specified property or obligations, and any series may have a separate business purpose or investment objective.

3. The debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to a particular series are enforceable against the assets of that series only, and not against the assets of the company generally or any other series, if:

(a) Separate and distinct records are maintained for the series and the assets associated with the series are held, directly or indirectly, including through a nominee or otherwise, and accounted for separately from the other assets of the company and any other series; and

(b) The articles of organization comply, or an amendment to the articles complies, with the provisions of paragraph (e) of subsection 1 of NRS 86.161.

5. Unless otherwise provided in the articles of organization or operating agreement, any event described in this chapter or in the articles of organization or operating agreement that causes a manager to cease to be a manager with respect to a series does not, in itself, cause the manager to cease to be a manager with respect to the company or with respect to any other series. Unless otherwise provided in the articles of organization or operating agreement, any event described in this chapter or in the articles of organization or operating agreement that causes a manager to cease to be associated with a series does not, in itself, cause the member to cease to be associated with any other series, terminate the continued membership of a member in the company or cause the termination of the series, regardless of
whether the member was the last remaining member associated with the series.

Sec. 27. NRS 86.226 is hereby amended to read as follows:

86.226 1. A signed certificate of amendment, or a certified copy of a judicial decree of amendment, must be filed with the Secretary of State. A person who signs a certificate as an agent, officer or fiduciary of the limited-liability company need not exhibit evidence of his authority as a prerequisite to filing. Unless the Secretary of State finds that a certificate does not conform to law, upon his receipt of all required filing fees he shall file the certificate.

2. A certificate of amendment or judicial decree of amendment is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate or judicial decree, which must not be more than 90 days after the certificate or judicial decree is filed.

3. If a certificate specifies an effective date and if the resolution of the members approving the proposed amendment provides that one or more managers or, if management is not vested in a manager, one or more members may abandon the proposed amendment, then those managers or members may terminate the effectiveness of the certificate by filing a certificate of termination with the Secretary of State that:
   (a) Is filed before the effective date specified in the certificate or judicial decree filed pursuant to subsection 1;
   (b) Identifies the certificate being terminated;
   (c) States that, pursuant to the resolution of the members, the manager of the company or, if management is not vested in a manager, a designated member is authorized to terminate the effectiveness of the certificate;
   (d) States that the effectiveness of the certificate has been terminated;
   (e) Is signed by a manager of the company or, if management is not vested in a manager, a designated member; and
   (f) Is accompanied by a filing fee of $175.

Sec. 28. NRS 86.343 is hereby amended to read as follows:

86.343 1. Except as otherwise provided in subsection 2, a distribution of the profits and contributions of a limited-liability company must not be made if, after giving it effect:
   (a) The company would not be able to pay its debts as they become due in the usual course of business; or
   (b) Except as otherwise specifically permitted by the articles of organization, the total assets of the company would be less than the sum of its total liabilities.

2. A distribution of the profits and contributions of a series of the company must not be made if, after giving it effect:
   (a) The company would not be able to pay the debts of the series from assets of the series as debts of the series become due in the usual course of business; or
(b) Except as otherwise specifically permitted by the articles of organization, the total assets of the series would be less than the sum of the total liabilities of the series.

3. The manager or, if management of the company is not vested in a manager or managers, the members may base a determination that a distribution is not prohibited pursuant to this section on:
   (a) Financial statements prepared on the basis of accounting practices that are reasonable in the circumstances;
   (b) A fair valuation, including unrealized appreciation and depreciation; or
   (c) Any other method that is reasonable in the circumstances.

4. The effect of a distribution pursuant to this section must be measured:
   (a) In the case of a distribution by purchase, redemption or other acquisition by the company of member’s interests, as of the earlier of:
      (1) The date on which money or other property is transferred or debt incurred by the company; or
      (2) The date on which the member ceases to be a member with respect to his acquired interest.
   (b) In the case of any other distribution of indebtedness, as of the date on which the indebtedness is distributed.
   (c) In all other cases, as of:
      (1) The date on which the distribution is authorized if the payment occurs within 120 days after the date of authorization; or
      (2) The date on which the payment is made if it occurs more than 120 days after the date of authorization.

5. Indebtedness of the company, or a series of the company, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations pursuant to this section if its terms provide that payment of principal and interest are to be made only if and to the extent that payment of a distribution to the members could then be made pursuant to this section. If the indebtedness is issued as a distribution, each payment of principal or interest must be treated as a distribution, the effect of which must be measured as of the date of payment.

6. Except as otherwise provided in subsection 4, a member who receives a distribution in violation of this section is liable to the limited-liability company for the amount of the distribution. This subsection does not affect the validity of an obligation or liability of a member created by an agreement or other applicable law for the amount of a distribution.

7. A member who receives a distribution from a limited-liability company in violation of this section is not liable to the limited-liability company and, in the event of its dissolution or insolvency, to its creditors, or any of them, for the amount of the distribution after the expiration of 3 years after the date of the distribution unless an action to recover the distribution
from the member is commenced before the expiration of the 3-year period following the distribution.

Sec. 29. NRS 86.491 is hereby amended to read as follows:

86.491 1. A limited-liability company [organized pursuant to this chapter] must be dissolved and its affairs wound up:
   (a) At the time, if any, specified in the articles of organization;
   (b) Upon the occurrence of an event specified in an operating agreement;
   (c) Unless otherwise provided in the articles of organization or operating agreement, upon the affirmative vote or written agreement of all the members; or
   (d) Upon entry of a decree of judicial dissolution pursuant to NRS 86.495.

2. The affairs of a series of a limited-liability company must be wound up:
   (a) At the time, if any, specified in the articles of organization;
   (b) Upon the occurrence of an event specified in the operating agreement;
   (c) Unless otherwise provided in the articles of organization or operating agreement, upon the affirmative vote or written agreement of all the members associated with the series; or
   (d) Upon entry of a decree of judicial termination of the series pursuant to NRS 86.495.

3. Unless otherwise provided in the articles of organization or operating agreement, upon the occurrence of an event requiring the affairs of a series to be wound up, a manager of the series who has not wrongfully terminated the series or, if none, the members associated with a series, or a person approved by all those members, may wind up the affairs of the series. Unless otherwise provided in the articles of organization or operating agreement, the person or persons winding up the affairs of the series:
   (a) May take all actions necessary or proper to wind up the affairs of the series; and
   (b) Shall distribute the assets of the series as provided in NRS 86.521 to the creditors of the series and the members associated with the series.

4. Except as otherwise provided in the articles of organization or operating agreement, the death, retirement, resignation, expulsion, bankruptcy, dissolution or dissociation of a member or any other event affecting a member, including, without limitation, a sole member, does not:
   (a) Terminate the status of the person as a member; or
   (b) Cause the limited-liability company to be dissolved or its affairs to be wound up.

5. Except as otherwise provided in the articles of organization or operating agreement, upon the death of a natural person who is the sole member of a limited-liability company [or the sole member associated with a series], the status of the member, including the member’s interest, may pass to the heirs, successors and assigns of the member by will or applicable law. The heir, successor or assign of the member’s interest becomes a substituted member pursuant to NRS 86.351, subject to administration as provided by
applicable law, without the permission or consent of the heirs, successors or assigns or those administering the estate of the deceased member.

Sec. 30.  NRS 86.495 is hereby amended to read as follows:

86.495  1. Upon application by or for a member, the district court may decree dissolution of a limited-liability company whenever it is not reasonably practicable to carry on the business of the company in conformity with the articles of organization or operating agreement.

2. Upon application by or for a member of a series, the district court may decree the termination of the series only, and not the dissolution of the company, whenever it is not reasonably practicable to carry on the business of the series in conformity with the articles of organization or operating agreement.

Sec. 31.  NRS 86.541 is hereby amended to read as follows:

86.541  1. The signed articles of dissolution must be filed with the Secretary of State. Articles of dissolution [become] are effective upon filing the articles with the Secretary of State [or upon a later date specified in the articles, which must not be more than 90 days after the articles are filed.

2. Upon the filing of the articles of dissolution or upon a later date specified in the articles, the existence of the company ceases, except for the purpose of suits, other proceedings and appropriate action as provided in this chapter. The manager or managers in office at the time of dissolution, or the survivors of them, are thereaf ter trustees for the members and creditors of the dissolved company and as such have authority to distribute any property of the company discovered after dissolution, convey real estate and take such other action as may be necessary on behalf of and in the name of the dissolved company.

Sec. 32.  NRS 86.544 is hereby amended to read as follows:

86.544  Before transacting business in this State, a foreign limited-liability company must register with the Secretary of State. In order to register, a foreign limited-liability company must submit to the Secretary of State an application for registration as a foreign limited-liability company, signed by a manager of the company or, if management is not vested in a manager, a member of the company and a signed certificate of acceptance of a resident agent. The application for registration must set forth:

1. The name of the foreign limited-liability company and, if different, the name under which it proposes to register and transact business in this State;
2. The state and date of its formation;
3. The name and address of the resident agent in this State whom the foreign limited-liability company elects to appoint;
4. A statement that the Secretary of State is appointed the agent of the foreign limited-liability company for service of process if the authority of the resident agent has been revoked, or if the resident agent has resigned or cannot be found or served with the exercise of reasonable diligence;
5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited-liability company;

6. The name and business address of each manager or, if management is not vested in a manager, each member; and

7. The address of the office at which is kept a list of the names and addresses of the members and their capital contributions, together with an undertaking by the foreign limited-liability company to keep those records until the registration in this State of the foreign limited-liability company is cancelled or withdrawn; and

8. If the foreign limited-liability company has one or more series of members and if the debts or liabilities of a series are enforceable against the assets of that series only and not against the assets of the company generally or another series, a statement to that effect.

Sec. 33. NRS 86.547 is hereby amended to read as follows:

86.547 1. A foreign limited-liability company may cancel its registration by filing with the Secretary of State a certificate of cancellation signed by a manager of the company or, if management is not vested in a manager, a member of the company. The certificate, which must be accompanied by the required fees, must set forth:

(a) The name of the foreign limited-liability company;

(b) The effective date of the cancellation if other than the date of the filing of the certificate of cancellation, which must not be more than 90 days after the certificate is filed; and

(c) Any other information deemed necessary by the manager of the company or, if management is not vested in a manager, a member of the company.

2. A cancellation pursuant to this section does not terminate the authority of the Secretary of State to accept service of process on the foreign limited-liability company with respect to causes of action arising from the transaction of business in this State by the foreign limited-liability company.

Sec. 34. NRS 87.460 is hereby amended to read as follows:

87.460 1. A certificate of registration of a registered limited-liability partnership may be amended by filing with the Secretary of State a certificate of amendment. The certificate of amendment must set forth:

(a) The name of the registered limited-liability partnership; and

(b) The change to the information contained in the original certificate of registration or any other certificates of amendment.

2. The certificate of amendment must be:

(a) Signed by a managing partner of the registered limited-liability partnership; and

(b) Accompanied by a fee of $175.

3. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.
Sec. 35. NRS 88.355 is hereby amended to read as follows:

88.355 1. A certificate of limited partnership is amended by filing a certificate of amendment thereto in the Office of the Secretary of State. The certificate must set forth:
(a) The name of the limited partnership; and
(b) The amendment.
2. Within 30 days after the happening of any of the following events an amendment to a certificate of limited partnership reflecting the occurrence of the event or events must be filed:
(a) The admission of a new general partner;
(b) The withdrawal of a general partner; or
(c) The continuation of the business under NRS 88.550 after an event of withdrawal of a general partner.
3. A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described, except the address of its office or the name or address of its resident agent, have changed, making the certificate inaccurate in any respect, shall promptly amend the certificate.
4. A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.
5. No person has any liability because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of any event referred to in subsection 2 if the amendment is filed within the 30-day period specified in subsection 2.
6. A certificate of amendment filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.
7. A restated certificate of limited partnership may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the certificate of limited partnership in any manner, it must be accompanied by:
(a) A resolution; or
(b) A form prescribed by the Secretary of State, setting forth which provisions of the certificate of limited partnership on file with the Secretary of State are being altered or amended.

Sec. 36. NRS 88.360 is hereby amended to read as follows:

88.360 A certificate of limited partnership must be cancelled upon the dissolution and the commencement of winding up of the partnership or at any other time there are no limited partners. A certificate of cancellation must be filed in the Office of the Secretary of State and set forth:
1. The name of the limited partnership;
2. The reason for filing the certificate of cancellation;
3. The effective date [which must be a date certain] of the cancellation if [it is not to be effective upon] other than the date of the filing of the
certificate, which must not be more than 90 days after the certificate is filed; and
4. Any other information the general partners filing the certificate determine.

Sec. 37. NRS 88.380 is hereby amended to read as follows:
88.380 1. A signed copy of the certificate of limited partnership and of any certificates of amendment or cancellation or of any judicial decree of amendment or cancellation must be delivered to the Secretary of State. A person who signs a certificate as an agent or fiduciary need not exhibit evidence of his authority as a prerequisite to filing. Unless the Secretary of State finds that any certificate does not conform to law, upon receipt of all filing fees required by law he shall file the certificate.
2. Upon the filing of a certificate of amendment or judicial decree of amendment with the Secretary of State, or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed, the certificate of limited partnership is amended as set forth therein, and upon the effective date of a certificate of cancellation or a judicial decree thereof, the certificate of limited partnership is cancelled.

Sec. 38. NRS 88.595 is hereby amended to read as follows:
88.595 A foreign limited partnership may cancel its registration by filing with the Secretary of State a certificate of cancellation signed by a general partner. The certificate must set forth:
1. The name of the foreign limited partnership;
2. The reason for filing the certificate of cancellation;
3. The effective date of the cancellation if other than the date of the filing of the certificate, which must not be more than 90 days after the certificate is filed; and
4. Any other information deemed necessary by the general partners of the partnership.
A cancellation does not terminate the authority of the Secretary of State to accept service of process on the foreign limited partnership with respect to causes of action arising out of the transactions of business in this State.

Sec. 39. NRS 88A.420 is hereby amended to read as follows:
88A.420 A certificate of trust must be cancelled upon the completion or winding up of the business trust and its termination. A certificate of cancellation must be signed by a trustee, filed with the Secretary of State, and set forth:
1. The name of the business trust;
2. The effective date of the certificate of cancellation, if it is not to be effective upon filing, which may be a later date specified in the certificate, which must not be more than 90 days after the certificate is filed; and
3. Any other information the trustee determines to include.

Sec. 40. NRS 88A.740 is hereby amended to read as follows:
88A.740 A foreign business trust may cancel its registration by filing with the Secretary of State a certificate of cancellation signed by a trustee. The certificate must set forth:
1. The name of the foreign business trust;
2. The effective date of the cancellation if other than the date of the filing of the certificate of cancellation, which must not be more than 90 days after the certificate is filed; and
3. Any other information deemed necessary by the trustee.

A cancellation does not terminate the authority of the Secretary of State to accept service of process on the foreign business trust with respect to causes of action arising out of the transaction of business in this State.

Sec. 41. NRS 92A.100 is hereby amended to read as follows:
92A.100 1. Except as limited by NRS 78.411 to 78.444, inclusive, one or more domestic entities may merge into another entity if the plan of merger is approved pursuant to the provisions of this chapter.
2. Except as otherwise provided in NRS 92A.180, the plan of merger must set forth:
   (a) The name, address, and jurisdiction of organization and governing law of each constituent entity;
   (b) The name, jurisdiction of organization and kind of entity or entities that will survive the merger;
   (c) The terms and conditions of the merger; and
   (d) The manner and basis, if any, of converting the owner’s interests of each constituent entity into owner’s interests, rights to purchase owner’s interests, or other securities of the surviving or other entity or into cash or other property in whole or in part or cancelling such owner’s interests in whole or in part.
3. The plan of merger may set forth:
   (a) Amendments to the constituent documents of the surviving entity; and
   (b) Other provisions relating to the merger.
4. The plan of merger must be in writing.

Sec. 42. NRS 92A.105 is hereby amended to read as follows:
92A.105 1. Except as limited by NRS 78.411 to 78.444, inclusive, one domestic general partnership or one domestic entity, except a domestic nonprofit corporation, may convert into a domestic entity of a different type or a foreign entity if the plan of conversion is approved pursuant to the provisions of this chapter.
2. The plan of conversion must be in writing and set forth the:
   (a) Name of the constituent entity and the proposed name for the resulting entity;
   (b) Address of the constituent entity and the resulting entity;
   (c) Jurisdiction of the law that governs the constituent entity;
   (d) Jurisdiction of the law that will govern the resulting entity;
   (e) Terms and conditions of the conversion;
(f) Manner and basis, if any, of converting the owner’s interest or the interest of a partner in a general partnership of the constituent entity into owner’s interests, rights of purchase and other securities in the resulting entity; and

or cancelling such owner’s interests in whole or in part; and

(f) Full text of the constituent charter documents of the resulting entity.

3. The plan of conversion may set forth other provisions relating to the conversion.

Sec. 43. NRS 92A.110 is hereby amended to read as follows:

92A.110 1. Except as a corporation is limited by NRS 78.411 to 78.444, inclusive, one or more domestic entities may acquire all of the outstanding owner’s interests of one or more classes or series of another entity not already owned by the acquiring entity or an affiliate thereof if the plan of exchange is approved pursuant to the provisions of this chapter.

2. The plan of exchange must set forth:

(a) The name, address and jurisdiction of organization and governing law of each constituent entity;

(b) The name, jurisdiction of organization and kind of each entity whose owner’s interests will be acquired by one or more other entities;

(c) The terms and conditions of the exchange; and

(d) The manner and basis, if any, of exchanging the owner’s interests to be acquired for owner’s interests, rights to purchase owner’s interests, or other securities of the acquiring or any other entity or for cash or other property in whole or in part or cancelling such owner’s interests in whole or in part.

3. The plan of exchange may set forth other provisions relating to the exchange.

4. This section does not limit the power of a domestic entity to acquire all or part of the owner’s interests or one or more class or series of owner’s interests of another person through a voluntary exchange or otherwise.

5. The plan of exchange must be in writing.

Sec. 44. NRS 92A.120 is hereby amended to read as follows:

92A.120 1. After adopting a plan of merger, exchange or conversion, the board of directors of each domestic corporation that is a constituent entity in the merger or conversion, or the board of directors of the domestic corporation whose shares will be acquired in the exchange, must submit the plan of merger, except as otherwise provided in NRS 92A.130 and 92A.180, the plan of conversion or the plan of exchange for approval by its stockholders who are entitled to vote on the plan in accordance with the provisions of this section.

2. For a plan of merger, conversion or exchange to be approved:

(a) The board of directors must recommend the plan of merger, conversion or exchange to the stockholders, unless the board of directors determines that because of a conflict of interest or other special
circumstances it should make no recommendation and it communicates the basis for its determination to the stockholders with the plan; and
(b) The stockholders entitled to vote must approve the plan.
3. The board of directors may condition its submission of the proposed merger, conversion or exchange on any basis. The provisions of this section or this chapter must not be construed to permit a board of directors to submit, or to agree to submit, a plan of merger, conversion or exchange to the stockholders without the recommendation of the board required pursuant to paragraph (a) of subsection 2 unless the board of directors determines that because of a conflict of interest or other special circumstances it should make no recommendation and it communicates the basis for its determination to the stockholders with the plan. Any agreement of the board of directors to submit a plan of merger, conversion or exchange to the stockholders notwithstanding an adverse recommendation of the board of directors shall be deemed to be of no force or effect.
4. Unless the plan of merger, conversion or exchange is approved by the written consent of stockholders pursuant to subsection 7, the domestic corporation must notify each stockholder, whether or not he is entitled to vote, of the proposed stockholders’ meeting in accordance with NRS 78.370. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger, conversion or exchange and must contain or be accompanied by a copy or summary of the plan.
5. Unless this chapter, the articles of incorporation, the resolutions of the board of directors establishing the class or series of stock or the board of directors acting pursuant to subsection 3 require a greater vote or a vote by classes of stockholders, the plan of merger or conversion must be approved by a majority of the voting power of the stockholders.
6. Unless the articles of incorporation or the resolution of the board of directors establishing a class or series of stock provide otherwise, or unless the board of directors acting pursuant to subsection 3 requires a greater vote, the plan of exchange must be approved by a majority of the voting power of each class and each series to be exchanged pursuant to the plan of exchange.
7. Unless otherwise provided in the articles of incorporation or bylaws of the domestic corporation, the plan of merger, conversion or exchange may be approved by written consent as provided in NRS 78.320.
8. If an officer, director or stockholder of a domestic corporation, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because he will be the owner of an owner’s interest in the resulting entity, then that officer, director or stockholder must also approve the plan of conversion.
9. Unless otherwise provided in the articles of incorporation or bylaws of a domestic corporation, a plan of merger, conversion or exchange may contain a provision that permits amendment of the plan of merger, conversion or exchange at any time after the stockholders of the domestic corporation approve the plan of merger, conversion or exchange, but before
the articles of merger, conversion or exchange become effective, without obtaining the approval of the stockholders of the domestic corporation for the amendment if the amendment does not:

(a) Alter or change the manner or basis of exchanging an owner’s interest to be acquired for owner’s interests, rights to purchase owner’s interests, or other securities of the acquiring entity or any other entity, or for cash or other property in whole or in part; or

(b) Alter or change any of the terms and conditions of the plan of merger, conversion or exchange in a manner that adversely affects the stockholders of the domestic corporation.

10. [This section does not prevent or restrict a] A board of directors shall cancel the proposed meeting or remove the plan of merger, conversion or exchange from consideration at the meeting if the board of directors determines that it is not advisable to submit the plan of merger, conversion or exchange to the stockholders for approval.

Sec. 45. NRS 92A.180 is hereby amended to read as follows:

92A.180 1. A parent domestic corporation, whether or not for profit, parent domestic limited-liability company, unless otherwise provided in the articles of organization or operating agreement, or parent domestic limited partnership owning at least 90 percent of the outstanding shares of each class of a subsidiary corporation entitled to vote on a merger, 90 percent of the percentage or other interest in the capital and profits of a subsidiary limited-liability company then owned by each class of members entitled to vote on a merger or 90 percent of the percentage or other interest in the capital and profits of a subsidiary limited partnership then owned by both the general partners and each class of limited partners entitled to vote on a merger may merge the subsidiary into itself without approval of the owners of the owner’s interests of the parent domestic corporation, domestic limited-liability company or domestic limited partnership or the owners of the owner’s interests of a subsidiary domestic corporation, subsidiary domestic limited-liability company or subsidiary domestic limited partnership.

2. A parent domestic corporation, whether or not for profit, parent domestic limited-liability company, unless otherwise provided in the articles of organization or operating agreement, or parent domestic limited partnership owning at least 90 percent of the outstanding shares of each class of a subsidiary corporation entitled to vote on a merger, 90 percent of the percentage or other interest in the capital and profits of a subsidiary limited-liability company then owned by each class of members entitled to vote on a merger, or 90 percent of the percentage or other interest in the capital and profits of a subsidiary limited partnership then owned by both the general partners and each class of limited partners entitled to vote on a merger may merge with and into the subsidiary without approval of the owners of the owner’s interests of the subsidiary domestic corporation,
subsidiary domestic limited-liability company or subsidiary domestic limited partnership.

3. The board of directors of a parent corporation, the managers of a parent limited-liability company with managers unless otherwise provided in the operating agreement, all members of a parent limited-liability company without managers unless otherwise provided in the operating agreement, or all general partners of a parent limited partnership shall adopt a plan of merger that sets forth:
   (a) The names of the parent and subsidiary; and
   (b) The manner and basis of converting the owner’s interests of the disappearing entity into the owner’s interests, obligations or other securities of the surviving or any other entity or into cash or other property in whole or in part.

4. The parent shall mail a copy or summary of the plan of merger to each owner of the subsidiary who does not waive the mailing requirement in writing.

5. Articles of merger under this section may not contain amendments to the constituent documents of the surviving entity except that the name of the surviving entity may be changed.

6. The articles of incorporation of a domestic corporation, the articles of organization of a domestic limited-liability company, the certificate of limited partnership of a domestic limited partnership or the certificate of trust of a domestic business trust may forbid that entity from entering into a merger pursuant to this section.

Sec. 46. NRS 92A.380 is hereby amended to read as follows:

92A.380 Except as otherwise provided in NRS 92A.370 and 92A.390, any stockholder is entitled to dissent from, and obtain payment of the fair value of his shares in the event of any of the following corporate actions:
   (a) Consummation of a conversion or plan of merger to which the domestic corporation is a constituent entity:
      (1) If approval by the stockholders is required for the conversion or merger by NRS 92A.120 to 92A.160, inclusive, or the articles of incorporation, regardless of whether the stockholder is entitled to vote on the conversion or plan of merger; or
      (2) If the domestic corporation is a subsidiary and is merged with its parent pursuant to NRS 92A.180.
   (b) Consummation of a plan of exchange to which the domestic corporation is a constituent entity as the corporation whose subject owner’s interests will be acquired, if his shares are to be acquired in the plan of exchange.
   (c) Any corporate action taken pursuant to a vote of the stockholders to the extent that the articles of incorporation, bylaws or a resolution of the board of directors provides that voting or nonvoting stockholders are entitled to dissent and obtain payment for their shares.
Any corporate action not described in paragraph (a), (b) or (c) that will result in the stockholder receiving money or scrip instead of fractional shares.

2. A stockholder who is entitled to dissent and obtain payment pursuant to NRS 92A.300 to 92A.500, inclusive, may not challenge the corporate action creating his entitlement unless the action is unlawful or fraudulent with respect to him or the domestic corporation.

Sec. 47. NRS 92A.420 is hereby amended to read as follows:

92A.420 1. If a proposed corporate action creating dissenters’ rights is submitted to a vote at a stockholders’ meeting, a stockholder who wishes to assert dissenter’s rights:

(a) Must deliver to the subject corporation, before the vote is taken, written notice of his intent to demand payment for his shares if the proposed action is effectuated; and

(b) Must not vote his shares in favor of the proposed action.

2. If a proposed corporate action creating dissenters’ rights is taken by written consent of the stockholders, a stockholder who wishes to assert dissenters’ rights must not consent to or approve the proposed corporate action.

3. A stockholder who does not satisfy the requirements of subsection 1 or 2 and NRS 92A.400 is not entitled to payment for his shares under this chapter.

Sec. 48. NRS 92A.430 is hereby amended to read as follows:

92A.430 1. [If a proposed corporate action creating dissenters’ rights is authorized at a stockholders’ meeting, the] The subject corporation shall deliver a written dissenter’s notice to all stockholders [who satisfied the requirements] entitled to assert [those] dissenters’ rights.

2. The dissenter’s notice must be sent no later than 10 days after the effectuation of the corporate action, and must:

(a) State where the demand for payment must be sent and where and when certificates, if any, for shares must be deposited;

(b) Inform the holders of shares not represented by certificates to what extent the transfer of the shares will be restricted after the demand for payment is received;

(c) Supply a form for demanding payment that includes the date of the first announcement to the news media or to the stockholders of the terms of the proposed action and requires that the person asserting dissenter’s rights certify whether or not he acquired beneficial ownership of the shares before that date;

(d) Set a date by which the subject corporation must receive the demand for payment, which may not be less than 30 nor more than 60 days after the date the notice is delivered; and

(e) Be accompanied by a copy of NRS 92A.300 to 92A.500, inclusive.

Sec. 49. NRS 14.020 is hereby amended to read as follows:
14.020 1. Every corporation, miscellaneous organization described in chapter 81 of NRS, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust and municipal corporation created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States, doing business in this State shall appoint and keep in this State a resident agent who resides or is located in this State, upon whom all legal process and any demand or notice authorized by law to be served upon it may be served in the manner provided in subsection 2. The corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation shall file with the Secretary of State a certificate of acceptance of appointment signed by its resident agent. The certificate must set forth the full name and street address of the resident agent. A certificate of change of resident agent must be filed in the manner provided in title 7 of NRS if the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation desires to change its resident agent. A certificate of name change of resident agent must be filed in the manner provided in title 7 of NRS if the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.

2. All legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation may be served upon the resident agent personally or by leaving a true copy thereof with a person of suitable age and discretion at the address of the registered office shown on the current certificate of acceptance filed with the Secretary of State.

3. Unless the registered office is the home residence of the resident agent, the registered office of a corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation must be staffed during normal business hours by:

(a) The resident agent; or

(b) One or more natural persons who are:

(1) Of suitable age and discretion to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation; and

(2) Authorized by the resident agent to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company,
limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation.

4. A corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation that fails or refuses to comply with the requirements of subsection 3 is subject to a fine of not less than $100 nor more than $500 for each day of such failure or refusal to comply with the requirements of subsection 3, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

5. Subsection 2 provides an additional mode and manner of serving process, demand or notice and does not affect the validity of any other service authorized by law.

6. As used in this section:
   (a) "Registered office" means the office maintained at the street address of the resident agent.
   (b) "Street address" means the actual physical location in this State at which a resident agent is available for service of process.

Sec. 50. NRS 14.030 is hereby amended to read as follows:

1. If any artificial person described in NRS 14.020 fails to appoint a resident agent, or fails to file a certificate of acceptance of appointment for 30 days after a vacancy occurs in the agency, on the production of a certificate of the Secretary of State showing either fact, which is conclusive evidence of the fact so certified to be made a part of the return of service, or if the registered office of the artificial person is not staffed as required pursuant to NRS 14.020, which fact is to be made part of the return of service, the artificial person may be served with any and all legal process, or a demand or notice described in NRS 14.020, by delivering a copy to the Secretary of State, or, in his absence, to any deputy secretary of state, and such service is valid to all intents and purposes. The copy must:
   (a) Include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included.
   (b) Be accompanied by a fee of $10.

The Secretary of State shall keep a copy of the legal process received pursuant to this section in his office for at least 1 year after receipt thereof and shall make those records available for public inspection during normal business hours.

2. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.

3. Before such service is authorized, the plaintiff shall make or cause to be made and filed an affidavit setting forth the facts, showing that due diligence has been used to ascertain the whereabouts of the officers of the
artificial person to be served, and the facts showing that direct or personal service on, or notice to, the artificial person cannot be had.

4. If it appears from the affidavit that there is a last known address of the artificial person or any known officers thereof, the plaintiff shall, in addition to and after such service on the Secretary of State, mail or cause to be mailed to the artificial person or to the known officer, at such address, by registered or certified mail, a copy of the summons and a copy of the complaint, and in all such cases the defendant has 40 days after the date of the mailing within which to appear in the action.

5. This section provides an additional manner of serving process, and does not affect the validity of any other valid service.

Sec. 51. NRS 41.270 is hereby amended to read as follows:

41.270 Any natural person desiring to have his name changed may file a verified petition with the clerk of the district court of the district in which he resides. The petition shall be addressed to the court and shall state the applicant’s present name, the name which he desires to bear in the future, the reason for desiring the change and whether he has been convicted of a felony.

Sec. 52. Chapter 100 of NRS is hereby amended by adding thereto the provisions set forth as sections 53 to 56, inclusive, of this act.

Sec. 53. Sections 53 to 56, inclusive, of this act may be known and cited as the Asset-Backed Securities Facilitation Act.

Sec. 54. 1. As used in sections 53 to 56, inclusive, of this act, unless the context otherwise requires, the terms "securitization" and "securitization transaction" include, without limitation, the pooling and repackaging by a special purpose entity of assets or other credit exposures that may be sold to investors.

2. The terms include transactions that create stratified credit risk positions whose performance is dependent upon an underlying pool of credit exposures, including, without limitation, loans and commitments.

3. The terms must be construed broadly.

Sec. 55. Notwithstanding any other provision of law, including, without limitation, NRS 104.9623, to the extent set forth in the transaction documents relating to a securitization transaction:

1. Any property, assets or rights purported to be transferred, in whole or in part, in the securitization transaction shall be deemed to be no longer the property, assets or rights of the transferor;

2. A transferor in the securitization transaction, its creditors or, in any insolvency proceeding with respect to the transferor or property of the transferor, a bankruptcy trustee, receiver, debtor, debtor in possession or similar person, to the extent that the issue is governed by the laws of this State, has no rights, legal or equitable, to reacquire, reclaim, recover, repudiate, disaffirm, redeem or recharacterize as property of the transferor any property, assets or rights purported to be transferred, in whole or in part, by the transferor; and
3. In the event of a bankruptcy, receivership or other insolvency proceeding with respect to the transferor or property of the transferor, to the extent that the issue is governed by the laws of this State, such property, assets and rights shall be deemed not to be part of the property, assets, rights or estate of the transferor.

Sec. 56. The provisions of sections 53 to 56, inclusive, of this act must not be construed or interpreted to:
1. Require any securitization transaction to be treated as a sale for federal or state tax purposes or to preclude the treatment of any securitization transaction as debt for federal or state tax purposes;
2. Alter or amend any applicable laws relating to the perfection and priority of security ownership interests of persons other than the transferor, hypothetical lien creditor or, in the event of a bankruptcy, receivership or other insolvency proceeding with respect to the transferor or property of the transferor, a bankruptcy trustee, receiver, debtor, debtor in possession or similar person; or
3. Alter or amend the tax treatment of securitization transactions that take place pursuant to sections 53 to 56, inclusive, of this act.

Sec. 57. Chapter 602 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter do not authorize a natural person to change his name pursuant to this chapter, and a natural person who desires to change his name must comply with the procedures set forth in NRS 41.270, 41.280 and 41.290.

Sec. 58. NRS 602.017 is hereby amended to read as follows:

1. No person may adopt any fictitious name which includes "Corporation," "Corp.," "Incorporated," or "Inc." in its title, unless that person is a corporation.
2. No person may adopt any fictitious name which includes "Limited-Liability Company," "Limited Liability Company," "Limited Company," or the abbreviations "L.L.C.," "L.C.," "LLC" or "LC" in its title, unless that person is a limited-liability company.
3. No person may adopt any fictitious name which includes "Business Trust" or the abbreviation "B.T." or "BT" in its title unless that person is a business trust.
4. No person may adopt any fictitious name which includes "Professional Corporation" or the abbreviation "Prof. Corp.," "P.C." or "PC," the word "Chartered" or the abbreviation "Chtd.," in its title unless that person is a professional corporation.
5. No person may adopt any fictitious name which includes "Professional Association," "Professional Organization" or the abbreviations "Prof. Ass’n" or "Prof. Org." in its title unless that person is a professional association.
6. No person may adopt any fictitious name which includes "Limited" or the abbreviation "Ltd.," in its title unless the person is a corporation,
limited-liability company, registered limited-liability partnership, limited partnership or professional corporation.

7. No natural person may adopt any fictitious name which appears to be the name of a natural person unless the name includes an additional word or words which indicate that the fictitious name is not the name of a natural person.

8. No county clerk may accept for filing a certificate which violates any provision of this chapter.

Amend the title of the bill to read as follows: "AN ACT relating to business associations; enacting certain provisions pertaining to real estate investment trusts; revising the provisions governing voting rights and the use of proxies; clarifying the provisions governing the treatment of fractional shares of stock under certain circumstances; revising the provisions pertaining to treasury shares; authorizing a limited-liability company to create series of members’ interests with separate rights, powers or duties; clarifying the procedures pertaining to dissenters’ rights under certain circumstances; providing that business associations must staff their registered offices during business hours; revising the provisions governing the adoption of fictitious names by business associations and natural persons; enacting provisions governing securitization transactions; revising various other provisions concerning business associations; and providing other matters properly relating thereto."

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. 378.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 498.

Amend sec. 3, page 1, by deleting lines 5 and 6 and inserting:

"Sec. 3. 1. A local government in a county whose population is less than 100,000 or the governing body of an incorporated city whose population is less than 50,000 may designate any highway under the jurisdiction of the local government or governing body as permissible for the operation of off-road vehicles."

Amend sec. 3, page 1, line 8, by deleting: "city or county" and inserting: "local government or governing body".

Amend sec. 3, page 2, by deleting lines 2 through 5 and inserting:

"pursuant to NRS 484.777 or 484.779, the ordinance must include, without limitation, a provision:

"
(a) Requiring a person who drives an off-road vehicle on the designated highway to be at least 14 years of age, as determined by the local government or governing body; and

(b) Requiring the periodic review of the designation of the highway as permissible for the operation of off-road vehicles.

Amend sec. 5, page 2, line 31, by deleting: "city or county" and inserting: "local government or governing body".

Amend sec. 5, page 2, line 34, by deleting: "city or county" and inserting: "local government or governing body".

Amend sec. 6, page 3, line 26, by deleting: "city or county" and inserting: "local government or governing body".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to motor vehicles; authorizing a certain local government or governing body to designate a highway under the jurisdiction of the local government or governing body as".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes designation of certain highways as permissible for operation of off-road vehicles. (BDR 43-507)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Hardy.

Senator Nolan moved that Senate Bill No. 378 be moved to the Second Reading File on the second agenda.

Remarks by Senator Nolan.

Motion carried.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 377.

Amend section 1, page 1, line 3, by deleting "34," and inserting "32,"

Amend the bill as a whole by deleting sec. 7, renumbering sections 8 through 12 as sections 7 through 11 and adding a new section designated sec. 12, following sec. 12, to read as follows:

"Sec. 12. "Specially benefited zone" means an area which is specially benefited by an undertaking under this chapter.".

Amend sec. 15, page 2, by deleting lines 38 through 45 and inserting:

"improve, equip, or any combination thereof:

1. In the case of counties, any project:
   (a) Authorized in the County Bond Law; or
   (b) For economic development that is needed to accommodate new businesses or the expansion or retention of businesses, or to develop industrial and business parks, that could not otherwise be accomplished through any other method of financing; or

2. In the case of cities, any project:
(a) Authorized in the City Bond Law; or
(b) For economic development that is needed to accommodate new businesses or the expansion or retention of businesses, or to develop industrial and business parks, that could not otherwise be accomplished through any other method of financing.

Amend sec. 16, page 3, by deleting lines 7 through 11 and inserting: "1. Any county in this State for any undertaking within the county which is:

(a) A drainage and flood control project;
(b) A sewerage project;
(c) A street project;
(d) An underpass project; or
(e) A water project;

2. Any county in this State whose population is less than 100,000 for any undertaking which is an economic development project that is needed to:

(a) Accommodate new businesses or the expansion or retention of businesses in the county; or
(b) Develop industrial and business parks,

that could not otherwise be accomplished through any other method of financing;

3. Any city in this State for an undertaking within the city which is:

(a) A drainage project or flood control project;
(b) A sewerage project;
(c) A street project;
(d) An underpass project; or
(e) A water project; and

4. Any city in a county in this State whose population is less than 100,000 for any undertaking which is an economic development project that is needed to:

(a) Accommodate new businesses or the expansion or retention of businesses in the".

Amend sec. 17, page 3, by deleting lines 17 and 18 and inserting: "and 5, the governing".

Amend sec. 17, page 3, by deleting line 25 and inserting: "or projects described in section 16 of this act, including, without"

Amend sec. 17, page 3, line 36, by deleting: "subsection 2 of".

Amend sec. 19, page 7, line 5, after "completion." by inserting: "Any minor changes authorized by this subsection must be made a matter of public record at a public meeting of the governing body.".

Amend sec. 24, page 8, line 45, after "public" by inserting: "interest and defines that public".

Amend sec. 24, page 9, line 18, by deleting "may" and inserting "must".

Amend sec. 24, page 9, by deleting line 19 and inserting: "manner as a".

Amend sec. 26, page 10, by deleting lines 12 and 13 and inserting:
"(b) Except as otherwise provided in this section, the portion of the taxes
levied each year in excess of the amount determined pursuant to
paragraph (a) must".

Amend sec. 26, page 10, by deleting lines 30 and 31 and inserting:
"(c) The amount of the taxes levied each year which are paid into the tax
increment account pursuant to paragraph (b) must be".

Amend sec. 26, page 11, by deleting lines 14 through 18 and inserting:
"3. The portion of the taxes levied each year in excess of the amount
determined pursuant to paragraph (a) of subsection 1 which is attributable to
any tax rate levied by a taxing agency:
(a) To produce revenue in an amount sufficient to make annual
repayments of the principal of, and the interest on, any bonded indebtedness
that was approved by a majority of the registered voters within the area of
the taxing agency voting upon the question, must be allocated to, and when
collected must be paid into, the debt service fund of that taxing agency.
(b) In excess of any tax rate of that taxing agency applicable to the last
taxation of the property before the effective date of the ordinance, if that
additional rate was approved by a majority of the registered voters within
the area of the taxing agency voting upon the question, must be allocated to,
and when collected must be paid into, the appropriate fund of that taxing
agency.".

Amend sec. 29, page 12, by deleting lines 8 through 12 and inserting:
"(b) May, at the option of the municipality and if otherwise so authorized
by law, be made payable from the taxes levied by the municipality against all
taxable property within the municipality.".

Amend the bill as a whole by deleting sections 31 and 32 and renumbering
sections 33 through 37 as sections 31 through 35.
Amend sec. 35, page 17, line 14, by deleting "34," and inserting "32,"
Senator Tiffany moved the adoption of the amendment.
Remarks by Senator Tiffany.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 390.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 441.
Amend section 1, page 1, by deleting lines 5 through 8 and inserting:
"shall request an opinion from the district attorney pursuant to NRS 252.160.
The district attorney shall request an opinion on the question from the
Attorney General pursuant to NRS 228.150 if:
(a) The county recorder informs the district attorney that there is a
conflict between the opinions of two or more district attorneys in this State
on the question; or
(b) The district attorney:
(1) Chooses not to render an opinion on the question; or
(2) Determines that he will not be able to render an opinion on the question within a reasonable time.

2. A county recorder shall not delay the recordation of any document pending the issuance of an opinion requested from the Attorney General pursuant to subsection 1 if the appropriate fees and taxes, as determined by the county recorder, have been paid.

3. If, according to an opinion issued by the Attorney General in response to a request submitted pursuant to subsection 1, the amount of any taxes received by a county recorder differs from the amount required by law, the difference between those two amounts must be refunded or collected by the county recorder, as appropriate."

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 6 as sections 3 through 5.

Amend sec. 6, page 4, by deleting lines 1 through 31 and inserting:
"1. A mere change in identity, form or place of organization, such as a transfer between a corporation and its parent corporation, a subsidiary or an affiliated corporation if the affiliated corporation has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. The making, delivery or filing of conveyances of real"

Amend sec. 6, page 4, line 42, by deleting "[11] 9." and inserting "11."

Amend sec. 6, page 5, line 10, by deleting "[12] 10." and inserting "12.".
Amend sec. 6, page 5, line 13, by deleting "[13.] 11." and inserting "13."
Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 and 9 as sections 6 and 7.
Amend sec. 9, page 7, by deleting lines 38 through 40 and inserting:
"2. The district attorney is not required to give his legal opinion on any question regarding which he requests an opinion from the Attorney General pursuant to section 1 of".
Amend the bill as a whole by deleting sections 10 through 12 and renumbering sec. 13 as sec. 8.
Senator Tiffany moved the adoption of the amendment.
Remarks by Senator Tiffany.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 402.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 506.
Amend sec. 2, page 3, line 2, after "that" by inserting: "is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and"
Amend sec. 2, page 3, line 3, after "(1)" by inserting: "Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;
(2)"
Amend sec. 2, page 3, line 5, by deleting "(2)" and inserting "(3)"
Amend the title of the bill, seventh line, after "certain" by inserting: "contact information for and"
Senator Washington moved the adoption of the amendment.
Remarks by Senators Washington and Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 462.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 339.
Amend sec. 4, page 2, line 10, by deleting "Transitional" and inserting "Welfare".
Amend sec. 8, page 2, line 19, by deleting "Transitional" and inserting "Welfare".
Amend the bill as a whole by deleting sec. 19 and inserting:
"Sec. 19. (Deleted by amendment.)"
Amend sec. 21, page 4, line 15, by deleting "Transitional" and inserting "Welfare".
Amend sec. 37, page 8, line 33, by deleting "Transitional" and inserting "Welfare".
Amend sec. 40, page 9, lines 17, 23 and 31, by deleting "163," and inserting "163.8."
Amend the bill as a whole by deleting sections 59 through 64 and inserting:
"Secs. 59-64. (Deleted by amendment.)"
Amend the bill as a whole by deleting sec. 97 and inserting:  "Sec. 97. (Deleted by amendment.)"
Amend sec. 118, page 37, lines 10, 16 and 24, by deleting "163," and inserting "163.8."
Amend sec. 149, page 54, line 23, by deleting "Transitional" and inserting "Welfare".
Amend the bill as a whole by adding a new section designated sec. 152.5, following sec. 152, to read as follows:
"Sec. 152.5. NRS 428.355 is hereby amended to read as follows:
428.355 As used in NRS 428.355 [to 428.395, inclusive], 428.365 and 428.375, unless the context otherwise requires:
1. "Community Services Block Grant Act" means the federal act set forth in 42 U.S.C. §§ 9901 et seq.
2. "Director" means the Director of the Department of Human Resources.
3. "Eligible entity" has the meaning ascribed to it in 42 U.S.C. § 9902.".
Amend sec. 153, page 56, line 6, by deleting "163," and inserting "163.8."
Amend sec. 155, page 57, by deleting lines 11 through 15 and inserting:
"3. The Bureau of Services for Child Care;
4. The Youth Parole Bureau; and
5. Within the limits of legislative appropriation, such"
Amend sec. 157, page 57, by deleting lines 27 through 32 and inserting:
"(c) The Chief of the Bureau of Services for Child Care; and
(d) The Chief of the Youth Parole Bureau.".
Amend sec. 157, page 57, line 34, by deleting "63, 423" and inserting "63".
Amend sec. 157, page 57, line 36, by deleting "163," and inserting "163.8."
Amend sec. 158, page 58, by deleting lines 1 through 3 and inserting:
"2. The Chief of the Bureau of Services for Child Care and the".
Amend sec. 160, page 58, lines 13 and 14, by deleting: "subsections 2 and 3" and inserting: "subsection 2".
Amend sec. 160, page 58, by deleting lines 31 through 34 and inserting:
"2. Fees collected pursuant to this section for services provided".
Amend the bill as a whole by adding new sections designated sections 163.2 through 163.8, following sec. 163, to read as follows:
"Sec. 163.2. 1. All gifts of money that the Division is authorized to accept must be deposited in the Nevada Children’s Gift Account in the Department of Health and Human Services’ Gift Fund.

2. Money in the Gift Account may be used to benefit the children to whom shelter and care is provided by the Division. Each gift must be expended in accordance with the terms of the gift.

3. The interest and income earned on the money in the Nevada Children’s Gift Account, after deducting any applicable charges, must be credited to the Gift Account.

4. The Division may transfer each fiscal year from the Nevada Children’s Gift Account to the Nevada Children’s Gift Revolving Account created pursuant to section 163.4 of this act an amount not to exceed the amount of interest and income earned for that fiscal year on the money in the Nevada Children’s Gift Account.

5. Each claim against the Nevada Children’s Gift Account must be approved by the Administrator or his designee before it is paid.

Sec. 163.4. 1. The Nevada Children’s Gift Revolving Account is hereby created. All money in the Nevada Children’s Gift Revolving Account must be deposited in a financial institution qualified to receive deposits of public money and must be secured with a depository bond that is satisfactory to the State Board of Examiners, unless it is otherwise secured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

2. The money in the Nevada Children’s Gift Revolving Account may be distributed by the Division to foster parents, upon request, on the basis of need, to pay the costs associated with participation by a child in foster care in intramural, recreational, social, school and sports-related activities, including, without limitation, uniforms and equipment, the rental of musical instruments, registration fees and art lessons.

3. All requests for distributions of money from the Nevada Children’s Gift Revolving Account must be made to the Division in writing. The person making the request must demonstrate that all other resources for money to pay for the activity have been exhausted.

4. The Division shall develop policies for the administration of this section.

5. Purchases made by the Division pursuant to this section are exempt from the provisions of the State Purchasing Act.

6. The balance in the Nevada Children’s Gift Revolving Account must be carried forward at the end of each fiscal year.

Sec. 163.6. 1. The Account to Assist Persons Formerly in Foster Care is hereby established in the Department of Health and Human Services’ Gift Fund.

2. The Account must be administered by the Administrator.

3. The money in the Account must be used to assist persons who attained the age of 18 years while children in foster care in this State to make the
transition from foster care to economic self-sufficiency, and may, consistent with that purpose, be:

(a) Disbursed on behalf of such persons, on the basis of need, to obtain goods and services, including, without limitation:

1. Job training;
2. Housing assistance; and
3. Medical insurance;

(b) Granted to nonprofit community organizations; or

c) Expended to provide matching money required as a condition of any federal grant.

4. A request for the disbursement of money from the Account pursuant to paragraph (a) of subsection 3 must be made to the Division in writing. The request must include information to demonstrate that all other resources for money to pay for the goods and services have been exhausted.

5. The Division shall adopt such regulations as necessary for the administration of this section.

6. Money in the Account at the end of any fiscal year remains in the Account and does not revert to any other fund.

Sec. 163.8.

1. The Department may enter into a contract with a person for the provision of shelter and care to children who are placed in the custody of an agency which provides child welfare services.

2. The Department may not enter into a contract pursuant to this section unless it is satisfied that the person is qualified and has the necessary facilities and money to provide adequate shelter and care to the children.

3. The Department shall adopt such regulations as are necessary to ensure that the person provides adequate shelter and care for the children placed in his care.

4. The person shall comply with all regulations adopted pursuant to this section.

Amend sec. 165, page 61, lines 11 and 23, by deleting "163," and inserting "163.8,"

Amend sec. 167, page 62, line 5, by deleting "163," and inserting "163.8,"

Amend sec. 168, page 62, line 12, by deleting "163," and inserting "163.8,"

Amend sec. 168, page 62, line 14, by deleting "Transitional" and inserting "Welfare".

Amend sec. 173, page 63, line 18, by deleting "Transitional" and inserting "Welfare".

Amend the bill as a whole by adding a new section designated sec. 175.5, following sec. 175, to read as follows:

"Sec. 175.5. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:
(a) Permit the child to remain in the temporary or permanent custody of his parents or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;
(b) Place him in the temporary or permanent custody of a relative or other person who the court finds suitable to receive and care for him with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or
(c) Place him in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Human Resources or a county whose population is 100,000 or more to care for such a child. [; or]
(d) Commit him to the custody of the Superintendent of the Northern Nevada Children’s Home or the Superintendent of the Southern Nevada Children’s Home, in accordance with chapter 423 of NRS. []

In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:
   (a) The parent retains the right to consent to adoption, to determine the child’s religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of his rights.
   (b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative, the court may consider, among other factors, whether the child has resided with a particular relative for 3 years or more before the incident which brought the child to the court’s attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of his parents or guardian, preference must be given to placing the child:
   (a) With any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.
   (b) If practicable, together with his siblings.
Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of his home. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

6. Within 60 days after the removal of a child from his home, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

Amend the bill as a whole by deleting sections 176 and 177 and inserting: "Secs. 176 and 177. (Deleted by amendment.)"

Amend sec. 182, page 66, line 29, by deleting "Transitional" and inserting "Welfare".

Amend sec. 183, page 66, line 37, by deleting "2," and inserting "{2}3,"

Amend sec. 183, page 66, line 45, by deleting "Transitional" and inserting "Welfare".

Amend sec. 183, page 67, line 7, by deleting "423," and inserting "{423}3".

Amend sec. 183, page 67, line 12, by deleting "163," and inserting "163.8,".

Amend sec. 183, page 68, line 2, after "2." by inserting: "Notwithstanding any other provision of law, the Director, or his designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than:

(a) An employee of the Division of Mental Health and Developmental Services; and

(b) A commissioner or employee of the Nevada Indian Commission created pursuant to NRS 233A.020.

3.".

Amend the bill as a whole by adding new sections designated sections 185.3 through 185.7, following sec. 185, to read as follows:

"Sec. 185.3. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise county recorders shall charge and collect the following fees:

For recording any document, for the first page................................. $10
For each additional page...................................................................... 1
For recording each portion of a document which must be
separately indexed, after the first indexing................................. 3
For copying any record, for each page............................................. 1
For certifying, including certificate and seal................................. 4
2. Except as otherwise provided in this subsection, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 423.137, section 163.6 of this act.

4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:
   (a) The county in which his office is located.
   (b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:
       (1) Conveys to the State, or to that city or town, an interest in land;
       (2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;
       (3) Imposes a lien in favor of the State or that city or town; or
       (4) Is a notice of the pendency of an action by the State or that city or town.
6. A county recorder shall charge and collect the fees specified in this section for copying of any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. For purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his official capacity.

8. Except as otherwise provided in subsection 2 or 3 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 185.5. NRS 435.010 is hereby amended to read as follows:

435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the mentally retarded children and children with related conditions of their respective counties.

2. For that purpose they are empowered to make all necessary contracts and agreements to carry out the provisions of NRS 435.010 [to 435.040, inclusive], 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of NRS 435.010 [to 435.040, inclusive], 435.020 and 435.030 supplement the services which other political subdivisions or agencies of the State are required by law to provide, and do not supersede or relieve the responsibilities of such political subdivisions or agencies.

Sec. 185.7. NRS 435.020 is hereby amended to read as follows:

435.020 All mentally retarded children and children with related conditions are entitled to benefits under NRS 435.010 [to 435.040, inclusive], 435.020 and 435.030:

1. Who are unable to pay for their support and care;

2. Whose parents, relatives or guardians are unable to pay for their support and care; and

3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.

Amend the bill as a whole by adding a new section designated sec. 188.5, following sec. 188, to read as follows:

"Sec. 188.5. NRS 444.330 is hereby amended to read as follows:

444.330 1. The Health Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the Department of Corrections.

(b) Northern Nevada Adult Mental Health Services.

(c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS."
The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The State Health Officer or his authorized agent shall inspect those institutions at least once each calendar year and whenever he deems an inspection necessary to carry out the provisions of this section.

4. The State Health Officer may publish reports of the inspections.

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate the institutions in conformity with the regulations adopted by the State Board of Health pursuant to subsection 2.

6. The State Health Officer or his authorized agent may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he has jurisdiction, to determine the sanitary conditions of the institutions and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated."

Amend the bill as a whole by adding a new section designated sec. 190.5, following sec. 190, to read as follows:

"Sec. 190.5. 1. The Legislative Committee on Health Care shall conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State.

2. The study must include, without limitation:

(a) An evaluation of the manner in which the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State may be improved so that the services are provided in the most effective manner for the residents of this State;

(b) An analysis of the services for the treatment and prevention of substance abuse that are currently funded or provided by public agencies in this State to determine whether any of these services are overlapping or duplicative, and whether any of these services could successfully be integrated;

(c) An analysis of the utilization of services for the treatment and prevention of substance abuse in this State and of projections for the future needs for such services in this State, including, without limitation:

(1) An examination of the barriers that persons diagnosed with both a mental illness and a substance abuse problem encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(2) An examination of the barriers that pregnant women encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;
(3) An examination of the collaboration of the different divisions of the Department of Human Resources in the provision of services to persons with substance abuse problems in this State, and an examination of whether that collaboration is focused on the best interests of the persons receiving the services; and

(4) An examination of the provision of services for the prevention of substance abuse in this State, and an examination of whether these services are effective at preventing or reducing the incidence of substance abuse problems in this State.

3. The Legislative Committee on Health Care shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.


4. NRS 428.385 and 428.395 are hereby repealed.

5. NRS 435.040 is hereby repealed.

6.".

Amend sec. 195, page 73, line 11, by deleting "and 422.392" and inserting: "422.392, 423.010, 423.130, 423.135, 423.137 and 423.147".

Amend sec. 196, page 73, lines 18 and 19, by deleting: "422.392 and 422.600," and inserting: "422.392, 423.010, 423.130, 423.135, 423.137 and 423.147, "."

Amend sec. 196, page 73, line 31, by deleting: "422.392 and 422.600" and inserting: "422.392, 423.010, 423.130, 423.135, 423.137 and 423.147, "."

Amend sec. 197, page 74, line 1, by deleting: "422.392, and 422.600" and inserting: "422.392, 423.010, 423.130, 423.135, 423.137 and 423.147, "."

Amend sec. 197, page 74, line 10, by deleting: "422.392 and 422.600" and inserting: "422.392, 423.010, 423.130, 423.135, 423.137 and 423.147, "."

Amend sec. 197, page 74, lines 23 and 24, by deleting: "422.392 and 422.600" and inserting: "422.392, 423.010, 423.130, 423.135, 423.137 and 423.147, "."


Amend the title of the bill to read as follows:

"AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family
Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons who receive public assistance; repealing certain provisions concerning community service block grants; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring the Legislative Committee on Health Care to conduct an interim study concerning the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State; reenacting certain penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:
"SUMMARY—Repeals, reenacts, reorganizes and revises provisions relating to Department of Human Resources and Department of Employment, Training and Rehabilitation. (BDR 38-178)".

Senator Washington moved the adoption of the amendment.
Remarks by Senators Washington, Heck, Carlton and Raggio.
Conflict of interest declared by Senator Beers.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 82.
Bill read second time and ordered to third reading.

Assembly Bill No. 445.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING
Senate Bill No. 84.
Bill read third time.
Roll call on Senate Bill No. 84:
Y E A S—17.
N O T V O T I N G—Raggio.
E X C U S E D—McGinness.

Senate Bill No. 84 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.
Senator Raggio moved that the Senate recess subject to the call of the Chair.

Senate in recess at 11:59 a.m.

SENATE IN SESSION

At 12:03 p.m.
President Hunt presiding.
Quorum present.

Senate Bill No. 109.
Bill read third time.
The following amendment was proposed by Senator Washington:
Amendment No. 515.
Amend section 1, page 2, line 37, by deleting "consider," and inserting:
"consider if and set forth its specific findings concerning."
Senator Washington moved the adoption of the amendment.
Remarks by Senator Washington.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 116.
Bill read third time.
Roll call on Senate Bill No. 116:
YEAS—20.
NAYS—None.
EXCUSED—McGinness.

Senate Bill No. 116 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 221.
Bill read third time.
Roll call on Senate Bill No. 221:
YEAS—20.
NAYS—None.
EXCUSED—McGinness.

Senate Bill No. 221 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 226.
Bill read third time.
Roll call on Senate Bill No. 226:
YEAS—19.
NAYS—None.
NOT VOTING—Raggio.
EXCUSED—McGinness.
Senate Bill No. 226 having received a constitutional majority, Madam President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 238.  
Bill read third time.  
Roll call on Senate Bill No. 238:  
YEAS—18.  
NAYS—Care, Titus—2.  
EXCUSED—McGinness.

Senate Bill No. 238 having received a constitutional majority, Madam President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 247.  
Bill read third time.  
Roll call on Senate Bill No. 247:  
YEAS—20.  
NAYS—None.  
EXCUSED—McGinness.

Senate Bill No. 247 having received a constitutional majority, Madam President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 254.  
Bill read third time.  
Roll call on Senate Bill No. 254:  
YEAS—20.  
NAYS—None.  
EXCUSED—McGinness.

Senate Bill No. 254 having received a constitutional majority, Madam President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 268.  
Bill read third time.  
Roll call on Senate Bill No. 268:  
YEAS—16.  
EXCUSED—McGinness.

Senate Bill No. 268 having received a constitutional majority, Madam President declared it passed, as amended.  
Bill ordered transmitted to the Assembly.

Senate Bill No. 269.  
Bill read third time.
Roll call on Senate Bill No. 269:
YEAS—20.
NAYS—None.
EXCUSED—McGinness.

Senate Bill No. 269 having received a two-thirds majority, Madam President declared it passed, as amended. Bill ordered transmitted to the Assembly.

Senate Bill No. 286.
Bill read third time.
The following amendment was proposed by Senators Raggio and Horsford:
Amendment No. 610.
Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:
"Section 1. The Legislature hereby finds that the establishment of a career and technical high school within the Southern Nevada Enterprise Community would support the continued efforts and success of that Community. Therefore, the Legislature hereby encourages the Clark County School District to construct a career and technical high school within the Southern Nevada Enterprise Community and, to the extent feasible, to complete the career and technical high school by August 2008.

Sec. 2. This act becomes effective upon passage and approval."

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:
"WHEREAS, Profound economic and technological changes in our society are reflected in the structure and nature of our workforce, thereby placing new and additional responsibilities on Nevada’s system of education to prepare the students who reside in this State with the necessary basic tools and skills to be successful and productive members of society; and

WHEREAS, The system of career and technical education in this State, through the oversight and direction of the State Board for Occupational Education, offers students in this State opportunities to learn new skills which provide them with career choices and personal satisfaction as they become leaders in their communities; and

WHEREAS, The ever-increasing cooperative efforts of career and technical educators and business and industry produces a strong, well-educated workforce and stimulates the growth and vitality of our local economy; and

WHEREAS, The Southern Nevada Vocational Technical Center was established in the Clark County School District to provide vocational and academic instruction that imparts entry-level job skills and enables students to meet college entrance requirements; and
WHEREAS, The Southern Nevada Vocational Technical Center has proven vastly successful in its mission and today serves 1,750 students; and
WHEREAS, The Southern Nevada Vocational Technical Center, as well as other career and technical education programs offered within the Clark County School District, have waiting lists for enrollment; and
WHEREAS, Clark County continues to experience extraordinarily rapid population growth, and the Clark County School District is currently the fifth largest school district in the country; and
WHEREAS, Because Nevada ranks among the lowest in the country of the percentage of students who graduate and enter into postsecondary education, the further development and expansion of career and technical high schools may help to reduce the number of students who drop out of high school and thereby increase the number of students who successfully graduate from high school and enter into career fields that are predicted to experience the largest and fastest growth; and
WHEREAS, On December 21, 1994, President Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an "Enterprise Community" and accompanying that designation was the award of grants for projects in that area; and
WHEREAS, The Southern Nevada Enterprise Community was designed to increase employment opportunities for residents in the Enterprise Community as well as to increase the self-esteem and economic independence of those residents; and
WHEREAS, The funds expended for the Southern Nevada Enterprise Community have included programs for at-risk youth, including summer internship programs, exposure to the college environment and encouragement of the pursuit of higher education, now, therefore,"

Amend the title of the bill, first line, by deleting "requiring" and inserting "encouraging".
Amend the summary of the bill to read as follows:
"SUMMARY—Encourages Clark County School District to construct career and technical high school within certain area of Clark County. (BDR S-1228)

Senator Raggio moved the adoption of the amendment.
Remarks by Senator Raggio.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 288.
Bill read third time.
Remarks by Senators Titus and Tiffany.
Roll call on Senate Bill No. 288:
YEAS—20.
NAYS—None.
EXCUSED—McGinness.
Senate Bill No. 288 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 326.
Bill read third time.
Roll call on Senate Bill No. 326:
YEAS—16.
EXCUSED—McGinness.

Senate Bill No. 326 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 356.
Bill read third time.
Roll call on Senate Bill No. 356:
YEAS—19.
NAYS—None.
NOT VOTING—Raggio.
EXCUSED—McGinness.

Senate Bill No. 356 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 358.
Bill read third time.
Roll call on Senate Bill No. 358:
YEAS—18.
NAYS—Carlton, Titus—2.
EXCUSED—McGinness.

Senate Bill No. 358 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 394.
Bill read third time.
Roll call on Senate Bill No. 394:
YEAS—19.
NAYS—None.
NOT VOTING—Raggio.
EXCUSED—McGinness.

Senate Bill No. 394 having received a constitutional majority,
Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 426.
Bill read third time.
Roll call on Senate Bill No. 426:
YEAS—20.
NAYS—None.
EXCUSED—McGinness.

Senate Bill No. 426 having received a constitutional majority, Madam President declared it passed, as amended. Bill ordered transmitted to the Assembly.

Senate Bill No. 453.
Bill read third time.
Senator Amodei moved that Senate Bill No. 453 be taken from the General File and placed on the General File for the next legislative day.
Remarks by Senator Amodei.
Motion carried.

Senate Bill No. 459.
Bill read third time.
Roll call on Senate Bill No. 459:
YEAS—20.
NAYS—None.
EXCUSED—McGinness.

Senate Bill No. 459 having received a constitutional majority, Madam President declared it passed, as amended. Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES
Senator Raggio moved that Assembly Bills Nos. 6, 79, 88, 92, 126, 178, 205, 227, 243, 295 be taken from the General File and placed on the General File for the next Legislative Day.
Remarks by Senator Raggio.
Motion carried.

GENERAL FILE AND THIRD READING
Senate Bill No. 31.
Bill read third time.
The following amendment was proposed by Senator Carlton:
Amendment No. 304.
Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.
Amend the title of the bill by deleting the ninth through thirteenth lines and inserting "Governor;".
Senator Carlton moved the adoption of the amendment.
Remarks by Senator Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.
Senate Bill No. 111.
Bill read third time.
Remarks by Senator Townsend.
Senator Townsend requested that his remarks be entered in the Journal.
Senate Bill No. 111 does not deny an employer the right to an appeal on the merits just because the employer was unable to or did not submit all relevant facts to the Division when responding to a notice of the filing of a claim. Nor does the bill prohibit an employer from introducing additional relevant facts during an appeal.
The intent of the bill is to encourage employers to submit all relevant facts to the Division when the employer receives notice of a claim for unemployment insurance in order to assist the Division in promptly and fairly making decisions on benefit claims. However, the bill is not meant to narrow the right of an employer to fully present facts even if that occurs during the administrative appeals process.
The provisions in the bill are meant to be read in conjunction with NRS 612.500(2), which provides:
An Appeal Tribunal shall inquire into and develop all facts bearing on the issues and shall receive and consider evidence without regard to statutory and common-law rules. In addition to the issues raised by the appealed determination, the tribunal may consider all issues affecting the claimant's rights to benefits from the beginning of the period covered by the determination to the date of hearing.
Roll call on Senate Bill No. 111:
YEAS—20.
NAYS—None.
EXCUSED—McGinness.
Senate Bill No. 111 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.
Senator Washington moved that the Senate recess subject to the call of the Chair.
Senate in recess at 12:34 p.m.
SENATE IN SESSION
At 12:37 p.m.
President Hunt presiding.
Quorum present.
REPORTS OF COMMITTEES
Madam President:
Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 125, 224, 252, 329, 430, 477, 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
Also, your Committee on Legislative Operations and Elections, to which was rereferred Senate Bill No. 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
BARBARA K. CEGAVSKE, Chair

Madam President:
Your Committee on Transportation and Homeland Security, to which were referred Senate Bills Nos. 245, 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
DENNIS NOLAN, Chair
Senator Raggio moved that the Senate recess until 4 p.m.
Motion carried.

Senate in recess at 12:42 p.m.

SENATE IN SESSION
At 4:44 p.m.
President Hunt presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam President:
Your Committee on Human Resources and Education, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, Chair

Madam President:
Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA K. CEGAVSKE, Chair

Madam President:
Your Committee on Transportation and Homeland Security, to which were referred Senate Bills Nos. 310, 365, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, Chair

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 167.

GARY GHIGGERI
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 167 be taken from the Secretary's desk and rereferred to the Committee on Finance.
Remarks by Senators Raggio, Carlton, Titus and Townsend.

Senators Carlton, Horsford and Titus requested a roll call on Senator Raggio's motion.

Roll call on Senator Raggio's motion:

YEAS—11.
NAYS—Care, Carlton, Coffin, Horsford, Lee, Mathews, Schneider, Titus, Wiener—9.
EXCUSED—McGinness.

The motion having received a majority, Madam President declared it carried. Senate Bill No. 167 rereferred to the Committee on Finance.

Senator Hardy moved that Senate Bill No. 184 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.
Remarks by Senators Hardy and Titus.
Motion carried.

Senator Hardy moved that Senate Bill No. 267 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.
Remarks by Senator Hardy.
Motion carried.

Senator Nolan moved that Senate Bill No. 475 be taken from the Secretary's desk and placed on the General File on the third agenda.
Remarks by Senator Nolan.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 21.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 33.
Amend section 1, page 2, line 8, by deleting: "of the client." and inserting: "of:

(1) The client, to the extent that he is able to provide input and participate; and
(2) To the extent that the client is unable to provide input and participate, the parent or guardian of the client if the client is under 18 years of age and is not legally emancipated, or the legal guardian of a client who has been adjudicated mentally incompetent."

Amend section 1, page 2, line 10, after "client," by inserting: "the parent or guardian of the client or the legal guardian of the client, as appropriate."

Amend the title of the bill, fourth line, by deleting "client" and inserting: "client, the parent or guardian of the client or the legal guardian of the client under certain circumstances,"

Senator Washington moved the adoption of the amendment.
Remarks by Senator Washington.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 56.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 464.
Amend the bill as a whole by renumbering sections 1 through 10 as sections 2 through 11 and adding a new section designated section 1, following the enacting clause, to read as follows:
"Section 1. NRS 385.347 is hereby amended to read as follows:
385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school sponsored by the school district. [...regardless of the sponsor of the charter school.]

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.
(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

1. The number of pupils who took the examinations;
2. An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;
3. A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;
4. Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:
   (I) Pupils who are economically disadvantaged, as defined by the State Board;
   (II) Pupils from major racial and ethnic groups, as defined by the State Board;
   (III) Pupils with disabilities;
   (IV) Pupils who are limited English proficient; and
   (V) Pupils who are migratory children, as defined by the State Board;
5. A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;
6. The percentage of pupils who were not tested;
(7) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (4);

(8) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(9) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(10) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; and
(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils in the district; and
(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) The amount and sources of money received for remedial education for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(s) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district’s plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

1. A standard high school diploma.
2. An adjusted diploma.
3. A certificate of attendance.
For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

1. The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

2. The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

1. The number of paraprofessionals employed at the school; and

2. The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district,
including, without limitation, charter schools sponsored by the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;
(2) Nevada Association of School Boards;
(3) Nevada Association of School Administrators;
(4) Nevada Parent Teacher Association;
(5) Budget Division of the Department of Administration; and
(6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to:
(a) Each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:
(a) Submit the report required pursuant to subsection 2 to the:
(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district.

9. As used in this section:
(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).
(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Amend sec. 2, page 4, line 23, by deleting "1" and inserting "2".
Amend sec. 3, page 5, by deleting lines 1 through 7.
Amend sec. 3, page 5, line 8, by deleting "4." and inserting "3.".
Amend sec. 5, page 6, line 9, by deleting "4." and inserting "2.".
Amend sec. 6, page 8, line 16, by deleting "1" and inserting "2".
Amend sec. 7, page 9, line 31, by deleting "1" and inserting "2".
Amend sec. 8, page 11, line 4, by deleting "1" and inserting "2".
Amend sec. 10, page 14, by deleting lines 13 through 34 and inserting: "The amount of reimbursement that a charter school may be required to pay pursuant to this subsection]."

Amend sec. 10, page 14, line 1, by deleting "14." and inserting "15.".
Amend sec. 10, page 14, line 11, by deleting "16." and inserting "15.".
Amend sec. 10, page 14, line 25, by deleting "7." and inserting "6".
Amend sec. 10, page 14, line 30, by deleting "8." and inserting "7".
Amend sec. 10, page 14, line 41, by deleting "9." and inserting "8".

Amend the bill as a whole by renumbering sec. 11 as sec. 13 and adding a new section designated sec. 12, following sec. 10, to read as follows:
"Sec. 12.  NRS 386.580 is hereby amended to read as follows:

386.580  1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. Except as otherwise provided in subsection 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:
   (a) Race;
   (b) Gender;
   (c) Religion;
   (d) Ethnicity; or
   (e) Disability, of a pupil.

3. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:
   (a) Space for the child in the class or extracurricular activity is available; and
(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

5. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

6. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

Amend the bill as a whole by renumbering sections 12 through 21 as sections 19 through 28 and adding new sections designated sections 14 through 18, following sec. 11, to read as follows:

"Sec. 14. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years: [that the employee is on a leave of absence]"
(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.

(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:
   (a) Was not granted a leave of absence by the school district to teach at the charter school pursuant to subsection 5; or
   (b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5.

5. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed [6] 3 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. [After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees. After the [sixth] third school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees may require that a request to return to a teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the Public Employees’ Retirement System and accrual of time for the purposes of leave and retirement. The time during which such an
employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

7. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

8. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

9. For all employees of a charter school:
   (a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.
   (b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

10. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:
   (a) Ensure that the premiums for that insurance are paid to the board of trustees; and
   (b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 15. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school that is sponsored by the board of trustees of a school district shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located, regardless of the sponsor of the charter school, for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall prepare a
separate report of accountability information for the charter schools sponsored by the State Board.

3. On or before August 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.

4. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 16. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before July 1 of each year, if the board of trustees of a school district sponsors a charter school, the board of trustees shall submit a written report to the State Board. The written report must include:

(a) An evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

(b) A description of all administrative support and services provided by the school district to the charter school for which the school district requested reimbursement pursuant to NRS 386.570, including, without limitation, an indication of which support and services the charter school may waive and which support and services are mandatory.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 17. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and
Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2, including, without limitation, data relating to each charter school.
school located within a school district regardless of the sponsor of the charter school;
]  
(c) Prescribe the format for the data;  
(d) Prescribe the date by which each school district shall report the data;  
(e) Prescribe the date by which each charter school located within a school district shall report the data to the school district for incorporation into the report of the school district, regardless of the sponsor of the charter school;  
(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:  
(1) Individual pupils;  
(2) Individual teachers and paraprofessionals;  
(3) Individual schools and school districts; and  
(4) Programs and financial information;  
(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and  
(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.

Sec. 18. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and
(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district and each sponsor of a charter school shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the school district in which the charter school is located such information as is necessary for the sponsor to carry out the provisions of this subsection.

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4)."

Amend sec. 14, page 21, line 2, by deleting "February" and inserting "March".

Amend sec. 14, page 21, line 9, by deleting "February" and inserting "March".

Amend sec. 15, page 22, line 14, by deleting "February" and inserting "March".

Amend sec. 16, page 22, after "university." by inserting: "Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he provides instruction at a community college or university.".

Amend the bill as a whole by renumbering sec. 22 as sec. 30 and adding a new section designated sec. 29, following sec. 21, to read as follows:

"Sec. 29. The amendatory provisions of section 14 of this act do not apply to a teacher who is on an approved leave of absence from a school district and is employed by the governing body of a charter school before July 1, 2005.".

Amend sec. 22, page 31, line 36, by deleting "19," and inserting "26,".
Amend sec. 22, page 31, line 37, by deleting "21" and inserting: "28 and 29".
Amend sec. 22, page 31, line 38, by deleting "3" and inserting "4".
Amend sec. 22, page 31, line 39, by deleting "19" and inserting "26".
Amend sec. 22, page 32, line 7, by deleting "20" and inserting "27".
Amend the title of the bill to read as follows:
"AN ACT relating to education; revising the provisions governing the reporting of accountability information for charter schools sponsored by the State Board of Education; requiring the governing body of a charter school sponsored by the board of trustees of a school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; making various changes concerning the employment practices of charter schools; revising provisions governing an application to form a charter school and the revocation of the written charter of a charter school; revising the provisions governing apportionments from the State Distributive School Account to charter schools sponsored by the State Board of Education; revising the provisions governing programs of distance education; requiring a charter school to pay for an additional administration of achievement and proficiency examinations under certain circumstances; and providing other matters properly relating thereto.".
Senator Washington moved the adoption of the amendment.
Remarks by Senator Washington.
Amendment adopted.
Senator Washington moved that Senate Bill No. 56 be rereferred to the Committee on Finance upon return from reprint.
Remarks by Senator Washington.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 62.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 392.
Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:
"Section 1. NRS 533.024 is hereby amended to read as follows:
533.024 The Legislature declares that [1]:
1. It is the policy of this State:
1. (a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.
1. (b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectible interest in such wells and to protect
their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

Sec. 2. NRS 533.386 is hereby amended to read as follows:

533.386 1. The State Engineer shall confirm that the report of conveyance required by paragraph (a) of subsection 1 of NRS 533.384 includes all material required by that subsection and that:

(a) The report is accompanied by the prescribed fee;
(b) No conflict exists in the chain of title that can be determined by the State Engineer from the conveyance documents or other information on file in the Office of the State Engineer; and
(c) The State Engineer is able to determine the rate of diversion and the amount of water conveyed in acre-feet or million gallons from the conveyance documents or other information on file in the Office of the State Engineer.

2. If the State Engineer confirms a report of conveyance pursuant to subsection 1, he shall in a timely manner provide a notice of the confirmation to the person who submitted the report of conveyance. The notice must include, without limitation:

(a) A statement indicating that neither the confirmation of the report of conveyance nor the report of conveyance, if the report sets forth the amount of water conveyed, guarantees that:
   (1) The water right is in good standing with the Office of the State Engineer; or
   (2) The amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use upon conveyance of the application or permit to appropriate any of the public waters, the certificate of appropriation, the adjudicated or unadjudicated water right, or the application or permit to change the place of diversion, manner of use or place of use of water.
(b) A statement that the confirmation of the report of conveyance is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right.

3. If the State Engineer determines that the report of conveyance is deficient, he shall reject the report of conveyance and return it to the person who submitted it, together with:

(a) An explanation of the deficiency; and
(b) A notice stating that the State Engineer will not confirm a report of conveyance that has been rejected unless the report is resubmitted with the
material required to cure the deficiency. The notice must also include a statement of the provisions of subsection 4.

4. If, from the conveyance documents or other information in the Office of the State Engineer, it appears to the State Engineer that there is a conflict in the chain of title, the State Engineer shall reject the report of conveyance and return it to the person who submitted it, together with:
   (a) An explanation that a conflict appears to exist in the chain of title; and
   (b) A notice stating that the State Engineer will not take further action with respect to the report of conveyance until a court of competent jurisdiction has determined the conflicting claims to ownership of the water right and the determination has become final. The notice must also include a statement of the provisions of subsection 5.

5. The State Engineer shall not consider or treat the person to whom:
   (a) An application or permit to appropriate any of the public waters;
   (b) A certificate of appropriation;
   (c) An adjudicated or unadjudicated water right; or
   (d) An application or permit to change the place of diversion, manner of use or place of use of water,

is conveyed as the owner or holder of the application, right, certificate or permit for the purposes of this chapter, including, without limitation, all advisements and other notices required of the State Engineer and the granting of permits to change the place of diversion, manner of use or place of use of water, until a report of the conveyance is confirmed pursuant to subsection 1.

6. If the State Engineer is notified that a court of competent jurisdiction has entered a judgment confirming ownership of a water right or resolving a conflict in a chain of title, and that the judgment has become final, the State Engineer shall take such administrative action as is appropriate or necessary to conform the records of the Office of the State Engineer with the judgment of the court, including, without limitation, amending or withdrawing a permit or certificate that was previously approved by the State Engineer.

Sec. 3. The Legislature declares that it intends by this act to clarify rather than change the operation of chapter 533 of NRS with respect to the ownership of water rights.

Sec. 4. This act becomes effective upon passage and approval and applies retroactively.

Amend the title of the bill to read as follows:
"AN ACT relating to water; clarifying provisions governing the duties of the State Engineer concerning water rights; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Clarifies provisions governing duties of State Engineer concerning water rights. (BDR 48-681)"

Senator Rhoads moved the adoption of the amendment. Remarks by Senators Rhoads and Care.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 64.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 49.
Amend section 1, page 2, by deleting lines 14 through 20 and inserting:
"(b) [A successor in interest to the grantee. If a successor in interest is
designated, the deed must include a provision stating the condition precedent
for the interest of the successor to vest.] A grantee or multiple grantees who
will take title to the property upon his death as the sole and separate
property of the grantee or grantees without the necessity of the filing of a
quitclaim deed or disclaimer by the spouse of any grantee."

Amend section 1, page 2, line 37, after "5." by inserting: "If an owner of an
interest in real property who creates a deed pursuant to subsection 1
executes and records more than one deed concerning the same real property,
the deed that is last recorded before the death of the owner is the effective
deed.

6. A deed created pursuant to subsection 1 is valid only if executed and
recorded as provided by law in the office of the county recorder of the county
in which the property is located before the death of the owner or the death of
the last surviving owner. The deed must be in substantially the following
form:

DEED
I (We) ______________ (owner) hereby convey to ______________ (grantee), effective on my (our) death, the following described real property:

(Legal Description)

THIS DEED IS REVOCABLE. THIS DEED DOES NOT TRANSFER ANY
OWNERSHIP UNTIL THE DEATH OF THE GRANTOR. THIS DEED
REVOKES ALL PRIOR DEEDS BY THE GRANTOR WHICH CONVEY THE
SAME REAL PROPERTY PURSUANT TO SUBSECTION 1 OF
NRS 111.109 REGARDLESS OF WHETHER THE PRIOR DEEDS FAILED
TO CONVEY THE GRANTOR’S ENTIRE INTEREST IN THE SAME REAL
PROPERTY.

(Signature of Grantor)

7. A deed created pursuant to subsection 1 may be revoked at any time
by the owner or, if there is more than one owner, by any of the owners who
created the deed. The revocation is valid only if executed and recorded as
provided by law in the office of the county recorder of the county in which
the property is located before the death of the owner who executes the
revocation. If the property is held as joint tenants with right of survivorship
or as community property with the right of survivorship and the revocation is
not executed by all of the owners, the revocation does not become effective.
unless the revocation is executed and recorded by the last surviving owner. The revocation of deed must be in substantially the following form:

**REVOCATION OF DEED**

The undersigned hereby revokes the deed recorded on ___________ (date), in docket or book ____________, at page _____, or instrument number ___________, records of _____________ County, Nevada.

(Date)         (Signature)

8. Upon the death of the last grantor of a deed created pursuant to subsection 1, a declaration of value of real property pursuant to NRS 375.060 and a copy of the death certificate of each grantor must be attached to a Death of Grantor Affidavit and recorded in the office of the county recorder where the deed was recorded. The Death of Grantor Affidavit must be in substantially the following form:

**DEATH OF GRANTOR AFFIDAVIT**

__________________ (affiant name), being duly sworn, deposes and says that _______________ (name of deceased), the decedent mentioned in the attached certified copy of the Certificate of Death, is the same person as ______________________ (name of grantor), named as the grantor or as one of the grantors in the deed recorded on ___________ (date), in docket or book ____________, at page _____, or instrument number ___________, records of _____________ County, Nevada, covering the following described property:

(Legal Description)

__________________ (affiant name) is the grantee or at least one of the grantees to whom the real property is conveyed upon the death of the grantor _______________ (name of deceased) or is the authorized representative of the grantee or at least one of the grantees.

(Date)         (Signature)

9.

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 375.090 is hereby amended to read as follows:

375.090  The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a corporation and its parent corporation, a subsidiary or an affiliated corporation if the affiliated corporation has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property."
4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.
5. A transfer of title between spouses, including gifts, or to effect a property settlement agreement or between former spouses in compliance with a decree of divorce.
6. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.
7. Transfers, assignments or conveyances of unpatented mines or mining claims.
8. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.
9. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of consanguinity.
10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.
11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:
   (a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;
   (b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or
   (c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,
      if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.
12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:
   (a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;
   (b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and
   (c) The transfer or conveyance is made in obedience to the order.
13. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.
14. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.
Sec. 3. NRS 388.750 is hereby amended to read as follows:
388.750  1. An educational foundation:
(a) Shall comply with the provisions of chapter 241 of NRS;
(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and
(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 13 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:
   (a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;
   (b) Formed pursuant to the laws of this State; and
   (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 4. NRS 396.405 is hereby amended to read as follows:
396.405  1. A university foundation:
(a) Shall comply with the provisions of chapter 241 of NRS;
(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;
(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 14 of NRS 375.090; and
(d) May allow a president or an administrator of the university or community college which it supports to serve as a member of its governing body.

2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his contribution or any information which may reveal or lead to the discovery of his identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:
   (a) Organized and operated exclusively for the purpose of supporting a university or a community college;
   (b) Formed pursuant to the laws of this State; and
   (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Amend the title of the bill to read as follows:
"AN ACT relating to the distribution of estates; providing that the owner of an interest in real property may convey his interest to a grantee in a deed which becomes effective upon the death of the owner as the sole and separate property of the grantee without the necessity of the filing of a quitclaim deed.
or disclaimer by the spouse of the grantee; requiring certain documents relating to the conveyance of real property by such deeds to be filed with a county recorder; exempting from the real property transfer tax a conveyance of real property by deed which becomes effective upon the death of the grantor; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Makes various changes to provisions concerning conveyance of real property by deed which becomes effective upon death of grantor. (BDR 10-539)"

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. 67.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 426.
Amend the bill as a whole by deleting sections 1 through 4, renumbering sec. 5 as sec. 9 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:
"Section 1. Chapter 354 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.
Sec. 2. 1. If the governing body of a local government determines by the affirmative vote of a majority of its members that, because the local government is involved in litigation or threatened litigation, the local government is or will be in a severe financial emergency, the governing body may submit a request to the Nevada Tax Commission for an order that the Department, as soon as practicable, take over the management of the local government pursuant to the provisions of NRS 354.655 to 354.725, inclusive, and this section and section 3 of this act.
2. If the Nevada Tax Commission receives a request pursuant to subsection 1, the Nevada Tax Commission shall order the Department to take over the management of the local government.

Sec. 3. If the Department takes over the management of a local government because the local government is involved in litigation or threatened litigation and if a creditor of the local government is allowed by law to commence or maintain an action in the nature of an attachment, garnishment or execution in the courts of this State against the local government or its assets, the action must be stayed until the following conditions have been satisfied:
(a) The creditor must meet with the Department to formulate a program for the liquidation of the debt owed by the local government to that creditor; and
(b) The Department must adopt a program for the liquidation of the debt owed by the local government to the creditor as described in paragraph (a).

The Department shall formulate the program not later than 60 days after meeting with the creditor pursuant to paragraph (a). The formulation of the program is a final decision for the purposes of judicial review.

Sec. 4. NRS 354.655 is hereby amended to read as follows:

354.655 As used in NRS 354.655 to 354.725, inclusive, and sections 2 and 3 of this act, unless the context requires otherwise:

1. "Committee" means the Committee on Local Government Finance.
2. "Department" means the Department of Taxation.
3. "Executive Director" means the Executive Director of the Department of Taxation.
4. "Local government" means any local government subject to the provisions of the Local Government Budget and Finance Act.

Sec. 5. NRS 354.657 is hereby amended to read as follows:

354.657 1. The purpose of NRS 354.655 to 354.725, inclusive, and sections 2 and 3 of this act, is to provide specific methods for the treatment of delinquent documents, technical financial assistance and severe financial emergency.

2. To accomplish the purpose set forth in subsection 1, the provisions of NRS 354.655 to 354.725, inclusive, and sections 2 and 3 of this act, must be broadly and liberally construed.

Sec. 6. NRS 354.695 is hereby amended to read as follows:

354.695 1. As soon as practicable after taking over the management of a local government, the Department shall, with the approval of the Committee:

(a) Establish and implement a management policy and a financing plan for the local government;
(b) Provide for the appointment of a financial manager for the local government who is qualified to manage the fiscal affairs of the local government;
(c) Provide for the appointment of any other persons necessary to enable the local government to provide the basic services for which it was created in the most economical and efficient manner possible;
(d) Establish an accounting system and separate accounts in a bank or credit union, if necessary, to receive and expend all money and assets of the local government;
(e) Impose such hiring restrictions as deemed necessary after considering the recommendations of the financial manager;
(f) Negotiate and approve all contracts entered into by or on behalf of the local government before execution and enter into such contracts on behalf of the local government as the Department deems necessary;
(g) Negotiate and approve all collective bargaining contracts to be entered into by the local government, except issues submitted to a fact finder whose findings and recommendations are final and binding pursuant to the provisions of the Local Government Employee-Management Relations Act;

(h) Approve all expenditures of money from any fund or account and all transfers of money from one fund to another;

(i) Employ such technicians as are necessary for the improvement of the financial condition of the local government;

(j) Meet with the creditors of the local government and formulate a debt liquidation program;

(k) If the Department has taken over the management of a local government because the local government is involved in litigation or threatened litigation, carry out the duties set forth in section 3 of this act, if the provisions of that section are applicable;

(l) Approve the issuance of bonds or other forms of indebtedness by the local government;

(m) Discharge any of the outstanding debts and obligations of the local government; and

(n) Take any other actions necessary to ensure that the local government provides the basic services for which it was created in the most economical and efficient manner possible.

2. The Department may provide for reimbursement from the local government for the expenses the Department incurs in managing the local government. If such reimbursement is not possible, the Department may request an allocation by the Interim Finance Committee from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269.

3. The governing body of a local government which is being managed by the Department pursuant to this section may make recommendations to the Department or the financial manager concerning the management of the local government.

4. Each state agency, board, department, commission, committee or other entity of the State shall provide such technical assistance concerning the management of the local government as is requested by the Department.

5. The Department may delegate any of the powers and duties imposed by this section to the financial manager appointed pursuant to paragraph (b) of subsection 1.

6. Except as otherwise provided in NRS 354.723 and 450.760, once the Department has taken over the management of a local government pursuant to the provisions of subsection 1, that management may only be terminated pursuant to NRS 354.725.

Sec. 7. NRS 31.010 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 2, the plaintiff at the time of issuing the summons, or at any time thereafter, may apply to the court for an order directing the clerk to issue a writ of attachment and thereby cause
the property of the defendant to be attached as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment as provided in this chapter.

2. If the Department of Taxation has taken over the management of a local government pursuant to the provisions of section 2 of this act, and if a plaintiff is allowed by law to apply to a court for an order directing the clerk to issue a writ of attachment, the plaintiff must comply with the applicable provisions of section 3 of this act before applying for such an order.

Sec. 8. NRS 41.075 is hereby amended to read as follows:

41.075 No cause of action may be brought against the Committee on Local Government Finance created pursuant to NRS 354.105, or any of its members, which is based upon:

1. Any act or omission in the execution of, or otherwise in conjunction with, the execution of NRS 354.655 to 354.725, inclusive, and sections 2 and 3 of this act, or any policy or plan adopted pursuant thereto, whether or not such statute, policy or plan is valid, if the statute, policy or plan has not been declared invalid by a court of competent jurisdiction; or

2. The exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the Committee on Local Government Finance or member thereof, whether or not the discretion involved is abused.

Amend the title of the bill to read as follows:

"AN ACT relating to local financial administration; allowing the governing body of a local government to invoke certain provisions of Nevada law relating to severe financial emergency under certain circumstances involving litigation or threatened litigation; staying certain actions by a creditor to attach, garnish or execute upon the assets of a local government whose management has been taken over by the Department of Taxation until such time as a program has been formulated to liquidate the debt owed by the local government to the creditor; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Establishes certain mechanisms to protect assets of local government under certain circumstances if local government is involved in litigation or threatened litigation. (BDR 31-880)"

Senator Hardy moved the adoption of the amendment.
Remarks by Senators Hardy and Care.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 557.
Amend section 1, page 1, line 5, by deleting "1 year" and inserting "6 months".
Amend sec. 2, page 2, line 38, by deleting "1 year" and inserting "6 months".
Amend sec. 2, page 4, line 4, by deleting "1 year" and inserting "6 months".
Amend sec. 3, page 6, line 12, by deleting "1 year" and inserting "6 months".
Amend sec. 4, page 7, line 18, by deleting "1 year" and inserting "6 months".
Amend sec. 5, page 9, line 15, by deleting "1 year" and inserting "6 months".
Amend sec. 6, page 9, by deleting lines 40 and 41 and inserting: "resident of the city for not less than [1 year next preceding his election] 6 months immediately preceding the last day for filing a".
Amend sec. 7, page 10, by deleting lines 15 and 16 and inserting: "district to which the office pertains for [1 year next preceding his election] at least 6 months immediately preceding date of the close".
Amend sec. 8, page 10, by deleting line 22 and inserting: "thereof for a period of at least [1 year next preceding their election] 6 months".
Amend sec. 9, page 10, by deleting lines 28 and 29 and inserting: "residents thereof for a period of at least [1 year next preceding their election] 6 months immediately preceding the date of the close of filing of a".
Amend sec. 9, page 10, line 33, by deleting "1 year" and inserting "6 months".
Amend sec. 10, page 11, by deleting lines 2 and 3 and inserting: "least 6 months immediately preceding [his election] the last day for filing a declaration".
Amend sec. 10, page 11, line 11, by deleting "1 year" and inserting "6 months".
Amend sec. 11, page 11, line 35, by deleting "1 year" and inserting "6 months".
Amend sec. 12, page 12, line 23, by deleting "1 year" and inserting "6 months".
Amend sec. 13, page 12, line 44, by deleting "1 year" and inserting "6 months".
Amend sec. 13, page 13, line 5, by deleting "1 year" and inserting "6 months".
Amend sec. 14, page 13, line 30, by deleting "1 year" and inserting "6 months".
Amend sec. 15, page 14, lines 26 and 27, by deleting: "[6 months] 1 year" and inserting "6 months".
Amend sec. 15, page 14, line 32, by deleting "1 year" and inserting "6 months".
Amend sec. 16, page 15, line 13, by deleting: "[6 months] I year" and inserting "6 months".
Amend sec. 17, page 15, lines 35 and 40, by deleting "I year" and inserting "6 months".
Amend sec. 18, page 16, lines 20, 29 and 31, by deleting "I year" and inserting "6 months".
Amend sec. 19, page 17, lines 12 and 13, by deleting: "[6 months] I year" and inserting "6 months".
Amend sec. 20, page 17, lines 26 and 27, by deleting: "[6 months] I year" and inserting "6 months".
Amend sec. 21, page 18, lines 7 and 29, by deleting "I year" and inserting "6 months".
Amend sec. 22, page 19, by deleting lines 8 and 9 and inserting:
"(a) Reside in the District for at least 6 months [before]."
Amend sec. 22, page 19, by deleting lines 26 and 27 and inserting: "6 months [before the election at which the member is elected;] immediately preceding the last day for filing".
Amend the title of the bill, first line, by deleting "increasing" and inserting "revising".
Amend the summary of the bill to read as follows:
"SUMMARY—Revises period of residency required to qualify as candidate for public office. (BDR 24-153)".
Senator Cegavske moved the adoption of the amendment.
Remarks by Senators Cegavske and Care.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 130.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 419.
Amend the bill as a whole by deleting sections 1 through 13 and renumbering sec. 14 as section 1.
Amend the bill as a whole by deleting sec. 15 and the text of repealed sections and renumbering sec. 16 as sec. 2.
Amend the title of the bill to read as follows:
"AN ACT relating to information services; repealing the prospective expiration of the authority of the Director of the Department of Information Technology to classify certain records of the Department as confidential; and providing other matters properly relating thereto."
Amend the summary of the bill to read as follows:
"SUMMARY—Repeals prospective expiration of authority of Director of Department of Information Technology to classify certain records of Department as confidential. (BDR 19-608)".
Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 153.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 435.
Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 116.31145 is hereby amended to read as follows:

116.31145 [Am] If an association has imposed a fine against a unit’s owner or a tenant or guest of a unit’s owner pursuant to NRS 116.31031 for violations of the governing documents of the association, the association may not apply, in whole or in part, any payment made by the unit’s owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the unit’s owner provides written authorization which directs the association to apply the payment made by the unit’s owner in such a manner.

Sec. 2. NRS 116.31185 is hereby amended to read as follows:

116.31185 1. A member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:

(a) Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or
(b) Would result or would appear to a reasonable person to result in a conflict of interest for those persons.

2. In addition to the limitations set forth in subsection 1, a community manager shall not solicit or accept any form of compensation, fee or other remuneration that is based, in whole or in part, on:

(a) The number or amount of fines imposed against or collected from units’ owners or tenants or guests of units’ owners pursuant to NRS 116.31031 for violations of the governing documents of the association; or
(b) Any percentage or proportion of those fines.

3. The provisions of this section do not prohibit a community manager from being paid compensation, a fee or other remuneration under the terms of a contract between the community manager and an association if:

(a) The scope of the respective rights, duties and obligations of the parties under the contract comply with the standards of practice for community managers adopted by the Commission pursuant to NRS 116.700;
(b) The compensation, fee or other remuneration is being paid to the community manager for providing management of the common-interest community; and
(c) The compensation, fee or other remuneration is not structured in a way that would violate the provisions of subsection 1 or 2.

Sec. 3. NRS 649.020 is hereby amended to read as follows:

649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.
2. "Collection agency" does not include any of the following unless they are conducting collection agencies:
   (a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.
   (b) Banks.
   (c) Nonprofit cooperative associations.
   (d) Unit-owners' associations and the board members, officers, employees and unit owners of those associations when acting under the authority of and in accordance with chapter 116 of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.
   (e) Abstract companies doing an escrow business.
   (f) Duly licensed real estate agents, except for those real estate agents who are community managers included within the term "collection agency" pursuant to subsection 3.
   (g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.

3. "Collection agency":
   (a) Includes a community manager while engaged in the management of a common-interest community if the community manager, or any employee, agent or affiliate of the community manager, performs, offers to perform or assists another person in performing any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive; and
   (b) Does not include any other community manager while engaged in the management of a common-interest community.

4. As used in this section:
   (a) "Community manager" has the meaning ascribed to it in NRS 116.023.
   (b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.".
Amend the title of the bill to read as follows:
"AN ACT relating to common-interest communities; revising provisions relating to the payment of fines by units’ owners in common-interest communities; prohibiting community managers from being paid compensation, fees or other remuneration in certain ways; revising the definition of "collection agency" to include community managers under certain circumstances and to exclude unit-owners’ associations and other persons under certain circumstances; providing penalties; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Revises provisions relating to management of common-interest communities. (BDR 10-830)"

Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 161.
Bill read second time.
The following amendment was proposed by the Committee on Transportation and Homeland Security:
Amendment No. 607.
Amend section 1, page 2, by deleting lines 6 through 13 and inserting:
"Medal to a member of the Reserves who is a resident of this State or a member of the Nevada National Guard who:
(a) Is called into active duty in the Armed Forces of the United States on or after September 11, 2001, in support of the global war on terrorism; and
(b) Serves for 30 consecutive days or a total of 60 days on state active duty status or pursuant to Title 10 or Title 32 of the United States Code.
A person may not receive more than one Nevada War on Terrorism Medal."

Amend section 1, page 2, line 28, after "Guard;" by inserting "and".
Amend section 1, page 2, line 29, by deleting "medal; and" and inserting "medal."
Amend section 1, page 2, by deleting line 30.
Amend the bill as a whole by deleting sec. 2.
Senator Heck moved the adoption of the amendment.
Remarks by Senators Heck and Washington.
Amendment adopted.
Senator Raggio moved that Senate Bill No. 161 be rereferred to the Committee on Finance upon return from reprint.
Remarks by Senator Raggio.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.
Senate Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 286.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 6 and 7 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. A person who willfully removes or defaces a notice posted pursuant to subsection 4 of NRS 107.080, if done before the sale or, if the default is satisfied before the sale, before the satisfaction of the default, is liable in the amount of $500 to any person aggrieved by the removal or defacing of the notice.

Sec. 3. All sales of property pursuant to NRS 107.080 must be made at auction to the highest bidder and must be made between the hours of 9 a.m. and 5 p.m. The agent holding the sale must not become a purchaser or be interested in any purchase at such a sale. All sales of real property must be made at a public location in the county in which the property or some part thereof is situated. If the land to be sold consists of a single parcel, or two or more contiguous parcels, situated in two or more counties, notice of sale must be posted and published in each of the counties as provided in this chapter.

Sec. 4. 1. If a sale of property pursuant to NRS 107.080 is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location.

2. If such a sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080.

Sec. 5. 1. If a purchaser refuses to pay the amount bid by him for the property struck off to him at a sale pursuant to NRS 107.080, the agent may again sell the property to the highest bidder, after again giving the notice previously provided.

2. If any loss is incurred from the purchaser refusing to pay his bid, the agent may recover the amount of the loss, with costs, for the benefit of the party aggrieved, by motion upon previous notice of 5 days to the purchaser, before any court of competent jurisdiction.

3. The court shall proceed in a summary manner in the hearing and disposition of such a motion, and give judgment and issue execution forthwith, but the refusing purchaser may request a jury. The same proceedings may be had against any subsequent purchaser who refuses to pay, and the agent may, in his discretion, thereafter reject the bid of any person so refusing.
4. An agent is not liable for any amount other than the amount bid by the second or subsequent purchaser and the amount collected from the purchaser who refused to pay.

Amend section 1, page 3, by deleting lines 22 through 25 and inserting: "sale, in the manner provided [by the laws of this State for the sale of real property under execution,] in NRS 107.080 and may [from time to time] postpone such sale [by such advertisement as it may deem reasonable, or without further advertisement,] not more than three times by proclamation made to the persons"

Amend section 1, page 3, line 30, by deleting: "[either in] at the courthouse of" and inserting: "[either at a public location in]."

Amend sec. 2, page 6, by deleting lines 8 through 14 and inserting: "sale, give notice of the time and place thereof [in the manner and for a time not less that required by law for the sale or sales of real property upon execution. The sale itself may be made at the office of the trustee, if the notice so provides, whether the property so conveyed in trust is located within the same county as the office of the trustee or not.] by:

(a) Personal service upon each judgment debtor or by registered or certified mail to the last known address of each judgment debtor;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the township or city where the property is situated and where the property is to be sold."

Amend the title of the bill to read as follows:

"AN ACT relating to deeds of trust; revising provisions relating to the sale of real property under a deed of trust; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to sale of real property under deed of trust. (BDR 9-1029)"

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. 219.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 608.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sec. 5 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:
"Section 1. NRS 484.7631 is hereby amended to read as follows:

484.7631 1. [The] In a county whose population is less than 400,000, the Department of Transportation with respect to highways under its jurisdiction and the governing body of the county or a city [or] in the county with respect to highways under [its] the jurisdiction of the county or city shall, upon application in writing, issue a permit to operate a vehicle, or a vehicle with a load, having a width exceeding the legal maximum width but not exceeding 120 [inches in width on a highway] feet in length on such highways in the county, unless the Department or governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic.

2. [The] In a county whose population is 400,000 or more:
   (a) If the operation of a vehicle specified in subsection 1 will not include operation on the state highway system established pursuant to chapter 408 of NRS, the governing body of the county and each city in the county shall, upon application in writing, issue a permit to operate the vehicle on a highway in that city or county:
      (1) If the governing body has jurisdiction over the highway at the point of origination of the route of the vehicle; and
      (2) Unless the governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic; or
   (b) If the operation of the vehicle will include operation on the state highway system established pursuant to chapter 408 of NRS, the Department of Transportation shall, upon application in writing, issue a permit to operate the vehicle on a highway in that county, unless the Department of Transportation determines that the operation would be a safety hazard or would unduly impede the flow of traffic. A holder of a permit issued pursuant to this paragraph is not required to obtain a permit pursuant to paragraph (a) before operating the vehicle in accordance with the permit issued pursuant to this paragraph.

3. Except as otherwise provided in this section, the Department of Transportation with respect to highways under its jurisdiction and the governing body of a city or county with respect to highways under its jurisdiction may adopt regulations providing for an annual permit or a permit for a single trip for a vehicle, or a vehicle with a load exceeding 120 [inches in width] feet in length and limiting the movement of the vehicle to certain hours of the day, days of the week or routes considered necessary to protect public safety. If the Department of Transportation and a governing body of a city or county adopt regulations pursuant to this section, the regulations adopted by the governing body must be consistent with the regulations adopted by the Department of Transportation.

4. The Department of Transportation and each governing body specified in subsection 2 shall:
   (a) Periodically meet with persons who represent industries that are affected by any regulations adopted by the Department of Transportation or
the governing body relating to the issuance of permits pursuant to this section, including, but not limited to, regulations concerning fees for those permits;

(b) At each meeting specified in paragraph (a), review and consider the regulations specified in that paragraph and any proposed amendments to the regulations; and

(c) To the greatest extent practicable, ensure that the regulations are consistent.

5. The Department of Transportation and each governing body that issues a permit pursuant to subsection 2 shall establish an expedited procedure for issuing the permit:

(a) Within 1 working day after the Department of Transportation or the governing body receives an application for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of 168 inches or less; or

(b) Within 2 working days after the Department of Transportation or the governing body receives an application for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of more than 168 inches.”.

Amend the title of the bill to read as follows:

"AN ACT relating to traffic; requiring the Department of Transportation and the governing body of a city or county to issue a permit to operate an oversized vehicle under certain circumstances; requiring certain regulations adopted by the governing body of a city or county relating to the issuance of permits for oversized vehicles to be consistent with regulations adopted by the Department; requiring the Department and certain governing bodies to establish an expedited procedure for issuing permits for certain oversized vehicles; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing issuance of permits for certain oversized vehicles. (BDR 43-642)".

Senator Heck moved the adoption of the amendment.

Remarks by Senator Heck.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 501.

Amend sec. 13, pages 4 and 5, by deleting lines 41 through 45 on page 4 and lines 1 through 6 on page 5, and inserting:
“(b) The child is enrolled in or otherwise scheduled to attend a public school that has carried a designation as demonstrating need for improvement pursuant to NRS 385.3623 for 1 year or more.”.

Amend sec. 13, page 5, line 25, by deleting: "3 consecutive years" and inserting "1 year".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 385.150 is hereby amended to read as follows:

385.150 1. The State Board shall, with the advice and consent of the Senate, appoint the Superintendent of Public Instruction for a term of 3 years.

2. If the State Board appoints a person to the Office of Superintendent of Public Instruction during a recess of the Legislature, the appointment must be confirmed or rejected by the Senate at the next regular session of the Legislature, unless the appointment expires before that time. A confirmation of appointment requires a majority vote of the Senate.

3. If applicable, at the earliest day practicable, the State Board shall submit to the Legislature a written statement naming the person who has been appointed to the Office of Superintendent of Public Instruction during a recess of the Legislature.

4. A person whom the State Board appoints to the Office of Superintendent of Public Instruction may perform and shall begin to discharge the duties of his office immediately upon appointment by the State Board, subject to confirmation or rejection by the Senate.

5. The Senate shall not confirm or reject an appointment made pursuant to this section until a recommendation concerning the appointment is received from a joint meeting of the standing committees of the Senate and Assembly having jurisdiction over education. The recommendation must be approved by a majority vote of each standing committee before it is forwarded to the Senate.

6. If a person appointed by the State Board pursuant to subsection 1 is rejected by a vote of the Senate, the office becomes vacant immediately.

7. If a person appointed by the State Board pursuant to subsection 1 is rejected by a vote of the Senate, the State Board may not appoint that person to any other office or position before the beginning of the next regular session of the Legislature.

8. The State Board may remove the Superintendent of Public Instruction from office for inefficiency, neglect of duty, malfeasance in office or for other just cause.

9. A vacancy must be filled by the State Board for the remainder of the unexpired term in accordance with this section.

10. The Superintendent of Public Instruction is in the unclassified service of the State."

Amend sec. 33, page 16, line 36, after "pupil" by inserting: "who is enrolled in or otherwise scheduled to attend a public school that has carried"
the designation as demonstrating need for improvement pursuant to NRS 385.3623 for 1 year or more or who is from a family of low income".

Amend sec. 33, page 18, between lines 24 and 25, by inserting:

"8. As used in this section, "family of low income" means a family with a monthly household income that is at or below the federally designated level signifying poverty.".

Amend sec. 36, page 20, line 7, by deleting "Board." and inserting: "Board [.]

Amend the bill as whole by adding a new section designated sec. 46.5, following sec. 46, to read as follows:

"Sec. 46.5. 1. The term of the Superintendent of Public Instruction who was appointed pursuant to NRS 385.150 to a term expiring in 2007 continues to serve for the remainder of the unexpired term. If a vacancy occurs before the expiration of that term, the State Board of Education shall appoint a Superintendent of Public Instruction in accordance with section 16.5 of this act for the remainder of the unexpired term.

2. The State Board of Education shall appoint a Superintendent of Public Instruction pursuant to section 16.5 of this act commencing with the term that begins in 2007.".

Amend sec. 47, page 26, line 6, after "1," by inserting "16.5,"

Amend sec. 47, page 26, line 7, by deleting: "45 and 46" and inserting: "45, 46 and 46.5".

Amend the title of the bill, twelfth line, after "schools;" by inserting: "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;".

Senator Washington moved the adoption of the amendment.
Remarks by Senators Washington and Care.
Amendment adopted.
Senator Raggio moved that Senate Bill No. 223 be rereferred to the Committee on Finance upon return from reprint.
Remarks by Senator Raggio.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 224.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 592.
Amend section 1, page 2, lines 4 and 5, by deleting: "names and addresses" and inserting: "names, addresses and telephone numbers".
Amend section 1, page 2, lines 8 and 10, by deleting: "or intending to make".
Amend the bill as a whole by renumbering sections 2 and 3 as sections 5 and 6 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 294A.230 is hereby amended to read as follows:
294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.
2. The form must require:
(a) The name of the committee;
(b) The purpose for which it was organized;
(c) The names, addresses and telephone numbers of its officers;
(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;
(e) The name, address and telephone number of its resident agent; and
(f) Any other information deemed necessary by the Secretary of State.
3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.
4. The Secretary of State shall include on his Internet website the information required pursuant to subsection 2.

Sec. 3. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. Every person who advocates, or group of persons organized formally or informally to advocate, the passage or defeat of an initiative or referendum shall, before engaging in any of the following activities in this State, submit their names, addresses and telephone numbers to the Secretary of State:
(a) Circulating a petition for initiative or referendum to obtain signatures;
(b) Soliciting or receiving contributions from any other person, group or entity for the purpose of advocating the passage or defeat of an initiative or referendum; or
(c) Making an expenditure designed to advocate the passage or defeat of an initiative or referendum.
2. The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 1."

Amend sec. 2, page 2, by deleting lines 15 through 17 and inserting:
"Sec. 5. 1. Each petition for initiative must embrace but one subject".
Amend sec. 3, page 2, line 31, by deleting "section 2" and inserting: "sections 4 and 5".
Amend the title of the bill by deleting the first and second lines and inserting:
"AN ACT relating to elections; requiring nonprofit corporations and committees for political action to submit the names, telephone numbers and
addresses of their officers to the Secretary of State under certain circumstances; requiring the Secretary of State to post such information on his Internet website; requiring certain persons or groups of persons that advocate the passage or defeat of a statewide initiative or referendum to submit their names, telephone numbers and addresses to the".

Senator Cegavske moved the adoption of the amendment.

Remarks by Senators Cegavske, Care, Beers, Horsford and Townsend.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 421.

Amend sec. 2, page 1, by deleting line 5 and inserting:

"(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;".

Amend sec. 2, page 2, by deleting lines 1 through 6 and inserting:

"may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission on Economic Development. The Commission shall approve the application if the Commission makes the following".


Amend sec. 2, page 2, by deleting lines 33 through 40 and inserting: "$500,000 in capital."
Amend sec. 2, page 3, by deleting lines 5 through 8 and inserting:
"5. The Commission on Economic Development may adopt such
regulations as the Commission".

Amend sec. 3, page 3, by deleting line 17 and inserting:
"(a) A historically underutilized business zone, as defined in

Amend sec. 3, page 3, by deleting lines 24 through 29 and inserting:
"may submit a request to the governing body of the county, city or town in
which the business operates for an endorsement of an application by the
person to the Commission on Economic Development for a partial abatement
of the taxes imposed on capital equipment pursuant to chapter 374 of NRS.
The governing body of the county, city or town shall provide notice of the
request to the board of trustees of the school district in which the business
operates. The notice must set forth the date, time and location of the hearing
at which the governing body will consider whether to endorse the
application.

2. The governing body of a county, city or town shall develop procedures
for:
   (a) Evaluating whether such an abatement would be beneficial for the
       economic development of the county, city or town.
   (b) Issuing a certificate of endorsement for an application for such an
       abatement that is found to be beneficial for the economic development of the
       county, city or town.

3. A person whose application has been endorsed by the governing body
   of the county, city or town, as applicable, pursuant to this section may submit
   the application to the Commission on Economic Development. The
   Commission shall approve the application if the Commission makes the
   following".

Amend sec. 3, page 3, line 40, by deleting: "specially benefited zone," and
inserting: "historically underutilized business zone, as defined in

Amend sec. 3, page 4, by deleting lines 10 through 17 and inserting:
"$250,000 in capital equipment.".

Amend sec. 3, page 4, by deleting lines 24 through 27 and inserting:
"5. The Commission on Economic Development may adopt such
regulations as the Commission".

Amend sec. 4, page 4, by deleting lines 34 through 40 and inserting:
"Sec. 4. 1. A person who owns a business which is located within an
enterprise community established pursuant to 24 C.F.R. Part 397 in this
State may submit a request to the governing body of the county, city or town
in which the business is located for an endorsement of an application by the
person to the Commission on Economic Development for a partial abatement
of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS.
The governing body of the county, city or town shall provide notice of the
request to the board of trustees of the school district in which the business
operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:
   (a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.
   (b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission on Economic Development. The Commission shall approve the application if the Commission makes the following.

Amend sec. 4, page 5, by deleting lines 5 through 7 and inserting: "pursuant to subsection 4:
   (1) Continue in operation in the enterprise community for a period specified by the Commission, which must be at least 5 years; and
   (2) Continue to meet the eligibility requirements set forth in this subsection.

The agreement ".

Amend sec. 4, page 5, by deleting lines 15 through 20 and inserting: "(1) Employs one or more dislocated workers who reside in the enterprise community; and".

Amend sec. 4, page 5, by deleting lines 25 through 31.

Amend sec. 4, pages 5 and 6, by deleting line 45 on page 5 and lines 1 through 5 on page 6, and inserting: "(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section."

Amend the bill as a whole by adding new sections designated sections 6 through 8, following sec. 5, to read as follows:

"Sec. 6. 1. A person who intends to locate a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005 or 2005-2006 may submit a request to the governing body of the county, city or town in which the grocery store would operate for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application."
2. The governing body of a county, city or town shall develop procedures for:
   (a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.
   (b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:
   (a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:
      (1) Commence operation and continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and
      (2) Continue to meet the eligibility requirements set forth in this subsection.
   ➤ The agreement must bind successors in interest of the grocery store for the specified period.
   (b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store will operate.
   (c) The applicant invested or commits to invest a minimum of $500,000 in capital.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:
   (a) The Department of Taxation;
   (b) The Nevada Tax Commission; and
   (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the grocery store will be located.

5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.

6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

7. As used in this section:
   (a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce,
Sec. 7. 1. A person who intends to expand a grocery store or expand a business to become a grocery store within the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 during Fiscal Year 2004-2005 or 2005-2006 may submit a request to the governing body of the county, city or town in which the business operates for endorsement of an application by the person to the Commission on Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:
   (a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.
   (b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Commission. The Commission shall approve the application if the Commission makes the following determinations:
   (a) The applicant has executed an agreement with the Commission which states that the grocery store will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:
      (1) Continue in operation in the Southern Nevada Enterprise Community established pursuant to 24 C.F.R. Part 597 for a period specified by the Commission, which must be at least 5 years; and
      (2) Continue to meet the eligibility requirements set forth in this subsection.
   (b) The grocery store is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the grocery store operates.
   (c) The applicant invested or commits to invest a minimum of $250,000 in capital equipment.

4. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:
   (a) The Department of Taxation; and
(b) The Nevada Tax Commission.
5. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.
6. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.
7. As used in this section:
   (a) "Grocery store" means a business selling at retail groceries, including, without limitation, food for human consumption, articles used in the preparation of food, household supplies, dairy products, meat and produce, and having more than 10,000 square feet of floor space available to the public.
   (b) "Selling at retail" has the meaning ascribed to it in NRS 372.050.
Sec. 8. During the Fiscal Years 2005-2006 and 2006-2007, the Commission on Economic Development shall, until the Commission has granted $1,000,000 in partial abatements pursuant to sections 2, 3, 6 and 7 of this act, give priority to and expedite the processing of applications received by the Commission pursuant to section 6 or 7 of this act.
   Amend the title of the bill, fifth line, after "wages;" by inserting: "providing a temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Southern Nevada Enterprise Community;".
   Senator Hardy moved the adoption of the amendment.
   Remarks by Senator Hardy.
   Amendment adopted.
   Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 243.
Bill read second time.
The following amendment was proposed by the Committee on Transportation and Homeland Security:
   Amendment No. 583.
   Amend section 1, pages 1 and 2, by deleting lines 3 through 6 on page 1 and lines 1 through 4 on page 2, and inserting:
   "706.8834  1. [A] If a vehicle acquired for use as a taxicab by a certificate holder [shall not permit a vehicle to be used as a taxicab if it] pursuant to paragraph (a) of subsection 3 has been in operation as a taxicab for [more than 4 model years or 52 months, whichever period is longer.] 67 months based on the date it was or iginally placed into operation as a taxicab, the certificate holder:
   (a) Shall remove the vehicle from operation as a taxicab; and"
   Amend section 1, page 2, line 7, after "2." by inserting: "If a vehicle acquired for use as a taxicab by a certificate holder pursuant to paragraph (b) of subsection 3 has been in operation as a taxicab for
55 months based on the date it was originally placed into operation as a
taxicab, the certificate holder:

(a) Shall remove the vehicle from operation as a taxicab; and
(b) Shall not permit the vehicle to be used as a taxicab in the operations of
the certificate holder at any time thereafter.

3.

Senator Heck moved the adoption of the amendment.
Remarks by Senator Heck.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 245.
Bill read second time.
The following amendment was proposed by the Committee on
Transportation and Homeland Security:
Amendment No. 481.
Amend sec. 8, page 2, line 8, by deleting: "sections 9 and 10" and inserting
"section 9".
Amend sec. 8, page 2, line 12, by deleting "8" and inserting "10".
Amend sec. 8, page 2, line 17, after "time." by inserting: "For the purposes
of the limitation set forth in this subsection, an intrastate driver begins a new
period of 7 consecutive days following 24 or more consecutive hours off
duty."
Amend sec. 9, page 2, line 19, after "vehicle;" by inserting "or".
Amend sec. 9, page 2, by deleting lines 25 through 27 and inserting:
"including the driver."
Amend the bill as a whole by deleting sec. 10 and inserting:
"Sec. 10. (Deleted by amendment.)"
Amend sec. 11, page 3, line 13, by deleting "interstate" and inserting
"intrastate".
Amend sec. 11, page 3, line 15, by deleting "150" and inserting "100".
Amend sec. 11, page 3, line 20, by deleting "8" and inserting "10".
Amend the bill as a whole by adding a new section designated sec. 14,
following sec. 13, to read as follows:
"Sec. 14. This act becomes effective on July 1, 2005.".
Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 252.
Bill read second time.
The following amendment was proposed by the Committee on Legislative
Operations and Elections:
Amendment No. 591.
Amend section 1, page 2, by deleting line 23 and inserting: "pursuant to subsection 1 or is required to adopt an ordinance pursuant to subsection 2:"

Amend section 1, page 2, by deleting lines 28 through 33.
Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.
Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 30 as sections 3 through 27.

Senator Cegavske moved the adoption of the amendment.
Remarks by Senator Cegavske.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 263.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 234.
Amend section 1, page 1, line 3, by deleting "24," and inserting "23,"
Amend sec. 5, pages 1 and 2, by deleting line 14 on page 1 and lines 1 through 6 on page 2, and inserting:
"1. The State Department of Conservation and Natural Resources;
2. The Division of Environmental Protection of the State Department of Conservation and Natural Resources; or
3. The United States Environmental Protection Agency.

Amend sec. 12, page 2, by deleting lines 37 through 40 and inserting:
"Sec. 12. "State" means the State of Nevada."
Amend the bill as a whole by deleting sec. 22 and renumbering sections 23 and 24 as sections 22 and 23.
Senator Rhoads moved the adoption of the amendment.
Remarks by Senator Rhoads.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 274.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 466.
Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 14 and the leadlines of repealed sections, following the enacting clause, to read as follows:
"Section 2. NRS 477.030 is hereby amended to read as follows:
477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:
(a) The prevention of fire.
(b) The storage and use of:
(1) Combustibles, flammables and fireworks; and
(2) Explosives in any commercial construction, but not in mining or the control of avalanches,
under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

(e) The use of fire codes and fire-related codes to be adopted as minimum standards within the State of Nevada.

The regulations of the State Fire Marshal apply throughout the State, except that his authority to enforce them or conduct investigations under this chapter does not extend to a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction. In a county whose population is 100,000 or more or which has been converted into a consolidated municipality, the local fire authority having jurisdiction is responsible for enforcing the regulations of the State Fire Marshal, the provisions of this chapter and other related laws and regulations of this State.

2. The State Fire Marshal may set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Human Resources in establishing reasonable minimum standards for overseeing the safety of and directing the
means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

   (a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

   (b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

   (c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

   (d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

   (e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the system.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

   (a) Upon request:

      (1) Assist in checking plans and specifications for construction;

      (2) Provide specialized training to local fire departments; and

      (3) Assist local governments in drafting regulations and ordinances on request or as he deems necessary.

   (b) Check for fire department access, fire flow, fire suppression systems and fire alarm systems in construction plans for state-owned buildings, except in a county whose population is 100,000 or more or which has been converted into a consolidated municipality. In a county whose population is 100,000 or more or which has been converted into a consolidated municipality, the local fire authority having jurisdiction is responsible for checking for fire department access, fire flow, fire suppression systems and fire alarm systems in construction plans for state-owned buildings.
10. In a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government’s personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement.

Sec. 3. NRS 477.035 is hereby amended to read as follows:

477.035 1. The State Fire Marshal shall:
(a) Except as otherwise provided in subsection 4, inspect or cause to be inspected annually, all state buildings and order such fire-extinguishing and safety appliances as he deems necessary for the protection of the property against fire.
(b) Order the removal of combustibles and rubbish from the property, or order such changes in the entrances or exits of the buildings as will promote the safety of the occupants, or order the provision of such fire escapes as he may deem necessary.
(c) Provide inspection forms and maintain records of inspections of state-owned buildings.

2. If the agency in charge of any state property fails to comply with an order of the State Fire Marshal or the local fire authority having jurisdiction after the agency receives the order, the Fire Marshal or the local fire authority having jurisdiction shall report such failure to the Governor and may issue a notice of violation.

3. The State Fire Marshal may contract with local authorities for the inspection of state-owned buildings.

4. In a county whose population is 100,000 or more or which has been converted into a consolidated municipality, the local fire authority having jurisdiction:
(a) Is responsible for inspecting state-owned buildings;
(b) Shall forward to the State Fire Marshal copies of all inspection forms that it or its staff completes in connection with the inspection of such state-owned buildings; and
(c) Shall order such fire-extinguishing and safety appliances as it deems necessary for the protection of state-owned buildings against fire.

Sec. 4. NRS 477.100 is hereby amended to read as follows:
477.100 As used in NRS 477.100 to 477.170, inclusive, "authority" means:
1. The State Fire Marshal in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality;
2. Unless the county has enacted an ordinance designating the persons who constitute the authority, the chief building official and chief officer of the fire service of the jurisdiction in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and if they are unable to agree on any question, "authority" includes the county manager or city manager, who shall cast the deciding vote on that question; or

3. If the board of county commissioners of a county whose population is 100,000 or more or which has been converted into a consolidated municipality, or the governing body of a city in that county, has specified a person or persons to act as the authority, that person or those persons.

Sec. 5. NRS 477.110 is hereby amended to read as follows:

477.110 [After May 15, 1981, the] The governing body of a local government may not adopt an ordinance requiring changes to existing structures to enhance the safety of occupants from fire if the ordinance is [:

1. Less stringent than this chapter.

2. More stringent than this chapter unless the governing body has sought and obtained approval of the ordinance from the State Board of Examiners.]

Sec. 6. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county [ except for the construction, maintenance and safety of buildings, structures and property of a school district that has established a building department pursuant to section 10 of this act.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada [ or the University and Community College System of Nevada. [ or any school district.]

Sec. 7. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city [ except for the construction, maintenance and safety of buildings, structures and property of a school district that has established a building department pursuant to section 10 of this act.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not
apply to the State of Nevada or the University and Community College System of Nevada or any school district.

Sec. 8. NRS 278.580 is hereby amended to read as follows:

278.580 1. Subject to the limitation set forth in NRS 244.368, the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada or the University and Community College System of Nevada or any school district except that such entities may contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada or the University and Community College System of Nevada or any school district.

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes to permit the use of straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure and the use of solar energy for the heating of a structure, to the extent the local climate allows.

5. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 9. NRS 278.585 is hereby amended to read as follows:

278.585 Except as otherwise provided in section 10 of this act, all persons and political subdivisions shall comply with the appropriate city or county building code.

Sec. 10. NRS 341.119 is hereby amended to read as follows:

341.119 1. [Upon the request of the head of a state agency,] Except as otherwise provided in subsection 2, the Board may, upon the request of the head of a state agency, delegate to that agency any of the authority granted the Board pursuant to NRS 341.141 to 341.148, inclusive.

2. If the Interim Finance Committee determines that the organization and capabilities of the system-wide building department of the University and Community College System of Nevada are adequate, the State Public Works Board shall, upon the request of the Board of Regents, delegate to the System
all of the authority granted the State Public Works Board pursuant to NRS 341.141 to 341.148, inclusive.

3. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the Board concerning a construction project or to approve the advance planning of a project.

Sec. 11. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district located in a county whose population is 400,000 or more may establish a building department for the school district.

2. If the board of trustees of such a school district establishes a building department:
   (a) The board of trustees shall:
       (1) Regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.
       (2) Adopt any building, electrical, plumbing or safety code as necessary to carry out the provisions of this section.
   (b) The building department shall, as described in subsection 4 of NRS 393.110, review plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings.
   (c) The provisions of NRS 278.585 do not apply to the school district in its regulation of the buildings, facilities, structures and property of the school district.

Sec. 12. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. Except as otherwise provided in subsection 3:
   (a) Unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as
practicable. The State Public Works Board is authorized to charge and
collect, and the board of trustees is authorized to pay, a reasonable fee for the
payment of any costs incurred by the State Public Works Board in securing
the approval of qualified architects or engineers of the plans, designs and
specifications submitted by the board of trustees in compliance with the
provisions of this paragraph.

(b) Before letting any contract or contracts for any addition to or alteration
of an existing school building which involves structural systems, or exiting,
 sanitary or fire-protection facilities, the board of trustees of a school district
shall submit plans, designs, and specifications thereof to, and obtain the
written approval of the plans, designs, and specifications by, the State Public
Works Board. The State Public Works Board shall review the plans, designs,
and specifications and make any recommendations as expeditiously as
practicable. The State Public Works Board is authorized to charge and
collect, and the board of trustees is authorized to pay, a reasonable fee for the
payment of any costs incurred by the State Public Works Board in securing
the approval of qualified architects or engineers of the plans, designs and
specifications submitted by the board of trustees in compliance with the
provisions of this paragraph.

The State Public Works Board this section, the board of trustees of a
school district shall, before letting any contract or contracts for the erection
of any new school building or for any addition to or alteration of an existing
school building, submit plans, designs, and specifications thereof to, and obtain
written approval of the plans, designs, and specifications from, the building
department of the county or other local building department, as applicable,
and all other local agencies or departments whose approval is necessary for
the issuance of a permit. A permit for construction must be issued before the
school district commences construction. The building department shall
conduct inspections of all work to determine compliance with the approved
plans, designs, and specifications. The building department may charge and
collect a reasonable fee from the board of trustees of the school district for
the payment of any costs incurred by the building department in reviewing
the plans, designs, and specifications and for conducting the inspections
required by this subsection. If there is no county building department or
other local building department in the county in which the school district is
located, the board of trustees of the school district shall contract with a
private entity or the building department of another local government to
obtain the required reviews of the plans, designs, and specifications and to
have the required inspections conducted.

3. In conducting reviews pursuant to subsection 2, the applicable
building department or private entity shall verify that all plans, designs and
specifications that [it reviews] are reviewed pursuant to this section comply
with [all]:

(a) The applicable requirements of the relevant codes adopted by this
State:
(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations.

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. The State Public Works Board may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to subsection 2. If the State Public Works Board enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which subsection 2 applies to the building department before commencement of the project for the approval of the building department. The

4. The provisions of subsections 2 and 3 do not apply to a school district that has established a building department pursuant to section 10 of this act. If a school district has established a building department pursuant to section 10 of this act, that building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable for the erection of new school buildings and for the addition to or alteration of existing school buildings to verify that the plans, designs and specifications comply with:

(a) The applicable requirements of the relevant codes adopted by this State; and

(b) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. [The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection.]

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

5. No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this
section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

Sec. 13. NRS 477.120, 477.130, 477.140, 477.150 and 477.160 are hereby repealed.

Sec. 14. 1. The Legislative Commission shall appoint a committee consisting of six Legislators to conduct an interim study of the operations of the State Fire Marshal Division of the Department of Public Safety.

2. The Legislative Commission shall appoint to the committee three members of the Senate and three members of the Assembly who are acquainted with the duties, operations and programs of the State Fire Marshal Division.

3. The study must include, without limitation, an examination of the manner in which the State Fire Marshal Division cooperates and interacts with authorities of local governments that deal with matters relating to buildings, structures, public safety and the prevention and suppression of fires.

4. In conducting the study, the committee shall seek information and suggestions from:
   (a) Experts in the areas of intergovernmental cooperation, inspection of buildings and structures, public safety and the prevention and suppression of fires; and
   (b) Various representatives of local governments, pertinent local governmental agencies and the State Fire Marshal Division.

5. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the committee.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 15. This act becomes effective on July 1, 2005.

LEADLINES OF REPEALED SECTIONS

477.120  Exits, open stairways and vertical shafts.
477.130  Fire alarms.
477.140  Smoke detectors; openings used to supply air.
477.150  Fire sprinklers; elevators; posting of floor numbers and route for evacuation; heating, ventilating, air-conditioning and paging systems.
477.160  Buildings used for public assembly.”.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; restricting the authority of the State Fire Marshal in consolidated municipalities and larger counties; requiring the State Public Works Board to delegate its authority to the University and Community College System of Nevada under certain circumstances; authorizing certain larger school districts to establish building departments; authorizing such a building department to adopt its own building codes; removing the State Public Works Board from the process of
approving plans, designs and specifications for the construction and alteration of school buildings; requiring the Legislative Commission to appoint a committee to conduct an interim study of the operations of the State Fire Marshal Division of the Department of Public Safety; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Revises certain provisions relating to governmental operations. (BDR 42-87)"

Senator Washington moved the adoption of the amendment.
Remarks by Senators Washington and Raggio.
Amendment adopted.
Senator Raggio moved that Senate Bill No. 274 be rereferred to the Committee on Finance upon return from reprint.
Remarks by Senator Washington.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 276.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 434.
Amend the bill as a whole by deleting sections 2 through 41 and adding new sections designated sections 2 through 41.5, following the enacting clause, to read as follows:
"Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.
Sec. 3. 1. "Contested case" and "case" have the meaning ascribed to "contested case" in NRS 233B.032. 2. A final decision of a regulatory body approving or denying an application for issuance or renewal of a license is not a contested case for the purposes of this chapter.
Sec. 4. "Employee" includes, without limitation, a person who has a contract to provide services as an independent contractor.
Sec. 5. "License" means any license, certificate, registration, permit or similar type of authorization issued by a regulatory body.
Sec. 6. "Licensee" means a person who holds any license, certificate, registration, permit or similar type of authorization issued by a regulatory body.
Sec. 7. "Member of a regulatory body" means a person who is serving as a member or officer of a regulatory body.
Sec. 8. "Prosecutor" means any of the following:
1. The Attorney General or a deputy attorney general who prosecutes a contested case pursuant to this chapter;"
2. If the Attorney General and his deputies are disqualified to act in such a matter, an attorney appointed by the Attorney General to prosecute a contested case pursuant to this chapter; or

3. If the regulatory body is authorized to employ or retain attorneys other than the Attorney General and his deputies, an attorney employed or retained by the regulatory body to prosecute a contested case pursuant to this chapter.

Sec. 9. "Records" means any records, files, books, documents, papers, information or data in any form.

Sec. 10. 1. "Regulatory body" means:

(a) Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title; and

(b) Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title.

2. The term does not include any regulatory body which is exempted from the provisions of this chapter pursuant to section 11 of this act, unless the regulatory body makes an election pursuant to that section to follow the provisions of this chapter.

Sec. 11. 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) State Board of Professional Engineers and Land Surveyors.

(c) Nevada State Board of Accountancy.

(d) Board of Medical Examiners.

(e) Board of Dental Examiners of Nevada.

(f) State Board of Nursing.

(g) Nevada State Board of Optometry.

(h) State Board of Pharmacy.

(i) Board of Examiners for Marriage and Family Therapists.

(j) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

(k) Commissioner of Appraisers of Real Estate.

(l) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

(m) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

(n) State Board of Health and Health Division of the Department of Human Resources.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 12. 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used
to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

Sec. 13. 1. The provisions of this chapter do not affect or limit the authority of a regulatory body, at any stage of a contested case, to make an informal disposition of the contested case pursuant to subsection 5 of NRS 233B.121 or to enter into a consent or settlement agreement approved by the regulatory body pursuant to NRS 622.330.

2. The provisions of this chapter do not affect or limit the authority of a regulatory body to designate a panel of its members to hear a contested case pursuant to this chapter.

Sec. 14. 1. A person who provides a governmental entity, officer or employee with any information relating to a contested case is immune from any civil liability for providing that information if the person acted in good faith and without malicious intent.

2. A governmental entity, officer or employee is immune from any civil liability for:
   (a) Any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter or any law or regulation governing occupational licensing; or
   (b) Communicating or cooperating with or providing any documents or other information to any other governmental entity, officer or employee conducting an investigation, disciplinary proceeding or civil or criminal prosecution.

Sec. 15. 1. To initiate the prosecution of a contested case, the prosecutor shall file a charging document with the regulatory body and serve the licensee with the charging document.

2. The regulatory body shall determine whether the case will be heard by the regulatory body or a hearing panel or officer.

3. The regulatory body or hearing panel or officer shall provide the licensee with written notice of the case pursuant to NRS 233B.121 and 241.034.

4. If the case is heard by a hearing panel or officer, the hearing panel or officer shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case. The hearing panel or officer shall prepare written findings and recommendations and serve the findings and recommendations on the parties and the regulatory body for its review.

5. The findings and recommendations of the hearing panel or officer do not become final unless they are approved by the regulatory body after
In reviewing the findings and recommendations of the hearing panel or officer, the regulatory body may:

(a) Approve the findings and recommendations, with or without modification;
(b) Reject the findings and recommendations and remand the case to the hearing panel or officer;
(c) Reject the findings and recommendations and order a hearing de novo before the regulatory body; or
(d) Take any other action that the regulatory body deems appropriate to resolve the case.

6. If the case is heard by the regulatory body, the regulatory body shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case.

7. The regulatory body or the hearing panel or officer, with the approval of the regulatory body, may consolidate two or more cases if it appears that the cases involve common issues of law or fact and the interests of the parties will not be prejudiced by the consolidation.

Sec. 16. 1. In any contested case against a licensee pursuant to this chapter, the licensee may appear on his own behalf or the licensee may be represented by:

(a) An attorney licensed to practice law in this State; or
(b) An attorney licensed to practice law in another state who is properly associated with an attorney licensed to practice law in this State and who provides a certificate of good standing from the licensing authority of the other state.

2. An attorney representing a licensee shall:

(a) Ensure that his conduct complies with the Nevada Rules of Professional Conduct; and

(b) Conform to all standards of ethical and courteous behavior required in the courts of this State.

3. An attorney may withdraw from his representation of a licensee upon notice to the licensee and the regulatory body or hearing panel or officer. The notice must include the reason for the requested withdrawal. The regulatory body or hearing panel or officer may deny the request if there may be an unreasonable delay in the case or the substantial rights of the licensee may be prejudiced.

4. If the regulatory body or hearing panel or officer finds that an attorney has violated any provision of this section, the regulatory body or hearing panel or officer may bar the attorney from participating in the case or may impose such other sanctions as the regulatory body or hearing panel or officer deems appropriate.

5. A licensee is responsible for all costs related to the presentation of his defense.

Sec. 17. 1. After being served with the charging document, the licensee may, but is not required to, file an answer to the charging document. The
licensee may file such an answer not later than 20 days after the date of service of the charging document.

2. The prosecutor may amend the charging document at any time before the hearing. If the prosecutor amends the charging document before the hearing, the prosecutor shall:
   (a) File the amended charging document with the regulatory body or hearing panel or officer; and
   (b) Serve the licensee with the amended charging document.

3. After being served with an amended charging document, the licensee may do any or all of the following:
   (a) File an answer to the amended charging document. The licensee may file such an answer not later than 20 days after the date of service of the amended charging document or not later than the date of the hearing, whichever date is sooner.
   (b) Move for a continuance of the hearing. The regulatory body or hearing panel or officer shall grant the continuance if the licensee demonstrates that:
       (1) The amendment materially alters the allegations in the charging document; and
       (2) The licensee does not have a reasonable opportunity to prepare a defense against the amended charging document before the date of the hearing.

4. The prosecutor may amend the charging document at the time of the hearing if the amendment is not considered material and the substantial rights of the licensee would not be prejudiced by the amendment.

5. The charging document, any amended charging document and any answer filed by the licensee must be made part of the record at the hearing.

Sec. 18. 1. At any time after being served with the charging document, the licensee may file with the regulatory body or hearing panel or officer a written discovery request for a copy of all documents and other evidence intended to be presented by the prosecutor in support of the case and a list of proposed witnesses.

2. The investigative file for the case is not discoverable unless the prosecutor intends to present materials from the investigative file as evidence in support of the case. The investigative file for the case includes all communications, records, affidavits or reports acquired or created as part of the investigation of the case, whether or not acquired through a subpoena related to the investigation of the licensee.

3. A party may not serve any interrogatories on another party or take any depositions relating to the case, unless permitted by the regulations of the regulatory body.

Sec. 19. A party shall not communicate either directly or indirectly with any member of the regulatory body, any member of the hearing panel or the hearing officer about any issue of fact or law related to the case unless the communication:
1. Is part of a pleading, motion or other document that is properly filed and served on all parties; or
2. Occurs while all parties are present or occurs during a meeting or hearing for which all parties have been given proper notice, whether or not all parties are present at that meeting or hearing.

Sec. 20. 1. If a party fails to appear at a scheduled hearing and a continuance has not been scheduled or granted, any party who is present at the hearing may make an offer of proof that the absent party was given sufficient legal notice. Upon a determination by the regulatory body or hearing panel or officer that the absent party was given sufficient legal notice, the regulatory body or hearing panel or officer may proceed to consider and dispose of the case without the participation of the absent party.

2. If the licensee fails to appear at a hearing, the regulatory body or hearing panel or officer may accept the allegations against the licensee in the charging document as true.

Sec. 21. 1. Except as otherwise provided in this chapter or as permitted by the regulatory body or hearing panel or officer, to request a ruling from the regulatory body or hearing panel or officer on any issue of law or procedure in a case, a party must file a written motion with the regulatory body or hearing panel or officer.

2. A party may file only the following prehearing motions:
   (a) A motion requesting a continuance or an extension of time.
   (b) A motion requesting, for good cause, the recusal of the hearing officer, a member of the hearing panel or a member of the regulatory body from participation in the case.
   (c) A motion requesting the separation of consolidated cases.
   (d) A motion requesting a more definite statement regarding the allegations in the charging document on the ground that there is not enough information in the charging document to formulate a defense.
   (e) A motion requesting dismissal of the charging document for failure to state facts which, if true, would form a sufficient basis for discipline.
   (f) With leave of the regulatory body or hearing panel or officer, any other motion requesting appropriate action or relief before the date of the hearing.

3. A prehearing motion must be filed with the regulatory body or hearing panel or officer at least 10 days before the date of the hearing. A party who opposes the motion may file a response to the prehearing motion not later than 7 days after the date of service of the motion. Upon a showing of good cause, the regulatory body or hearing panel or officer may allow a party to file such a motion or response within such other times as the regulatory body or hearing panel or officer deems appropriate.

4. The regulatory body or hearing panel or officer shall rule on any prehearing motion before or on the date of the hearing. The regulatory body may authorize the president or chairman of the regulatory body to rule on any prehearing motion before the date of the hearing. The hearing panel may
authorize the chairman or presiding officer of the hearing panel to rule on any prehearing motion before the date of the hearing.

5. A party may file only the following motions after the commencement of the hearing:

(a) After the prosecutor has concluded the presentation of his case in chief, a motion requesting dismissal of the charging document for failure of the prosecutor to meet his burden of proof.

(b) With leave of the regulatory body or hearing panel or officer, any other motion requesting appropriate action or relief during the hearing.

6. A party may file only the motions set forth in section 24 of this act after the close of the hearing.

Sec. 22. 1. The prosecutor has the burden of proof in any hearing pursuant to this chapter. The standard of proof in such a hearing is substantial evidence.

2. Except as otherwise provided in this chapter, the regulatory body or hearing panel or officer is not bound by strict rules of procedure or rules of evidence when conducting the hearing, except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123.

3. In any hearing pursuant to this chapter, the acts which constitute grounds for initiating disciplinary action against a licensee and the administrative penalties that may be imposed against a licensee are set forth in the occupational licensing chapter governing the licensee.

4. If requested by any party, the hearing or any portion of the hearing must be transcribed. The party making the request shall pay all costs for the transcription.

Sec. 23. 1. Except as otherwise provided in this section, in any hearing pursuant to this chapter, the hearing must proceed as follows:

(a) The president or chairman of the regulatory body, the chairman or presiding officer of the hearing panel or the hearing officer shall call the hearing to order.

(b) The parties and their representatives and the members of the regulatory body, the members of the hearing panel or the hearing officer must be introduced.

(c) The regulatory body or hearing panel or officer shall consider any preliminary motions, stipulations or orders and shall address any administrative details regarding the hearing.

(d) The regulatory body or hearing panel or officer:

(1) Shall ask the parties if they want any witness excluded from the hearing;

(2) Shall instruct any witness who is excluded from the hearing not to discuss the case during the course of the hearing;

(3) Shall allow the licensee to remain in the hearing;

(4) Shall allow any person who acts as both a representative of the prosecutor and a witness in the hearing to remain in the hearing; and

(5) May, on its own motion, exclude any witness from the hearing.
(e) The prosecutor may make an opening statement. After the prosecutor has had the opportunity to make an opening statement, the licensee may make an opening statement. The regulatory body or hearing panel or officer may limit equally the time of the opening statement of each party.

(f) The prosecutor may present his case by presenting evidence and calling witnesses in the following manner:
   (1) The witness must be sworn in.
   (2) The prosecutor may directly examine the witness.
   (3) The licensee may cross-examine the witness.
   (4) If requested, the prosecutor may question the witness on redirect-examination.
   (5) If requested, the licensee may question the witness on recross-examination.

(g) After the prosecutor has had the opportunity to present his case, the licensee may present his case by presenting evidence and calling witnesses in the following manner:
   (1) The witness must be sworn in.
   (2) The licensee may directly examine the witness.
   (3) The prosecutor may cross-examine the witness.
   (4) If requested, the licensee may question the witness on redirect examination.
   (5) If requested, the prosecutor may question the witness on recross-examination.

(h) A member of the regulatory body, a member of the hearing panel or the hearing officer may question a witness at any time during the hearing. If a witness is questioned by a member of the regulatory body, a member of the hearing panel or the hearing officer, the party who called the witness may request permission to ask further questions, limited to the area addressed by the member or hearing officer. When that party has asked those questions, the other party may request permission to ask further questions, limited to the area addressed by the member or hearing officer.

(i) After the prosecutor and licensee have presented their cases, the regulatory body or hearing panel or officer may allow the prosecutor and licensee to call rebuttal witnesses. If the prosecutor or licensee, or both, call one or more rebuttal witnesses, each rebuttal witness must be sworn in and questioned in the same manner as provided in paragraph (f) or (g), as appropriate.

(j) The prosecutor may make a closing argument. After the prosecutor has had the opportunity to make a closing argument, the licensee may make a closing argument. The regulatory body or hearing panel or officer may limit equally the time of the closing argument of each party. If the licensee makes a closing argument, the prosecutor may make a final closing argument. The regulatory body or hearing panel or officer may limit the time of the final closing argument.
(k) If allowed by the regulatory body or hearing panel or officer, either party may recommend specific disciplinary action to the regulatory body or hearing panel or officer at the appropriate time.

(l) After the close of the hearing, the regulatory body or hearing panel or officer shall deliberate and reach a decision. Not later than 60 days after the close of the hearing:

(1) If the hearing was conducted by the hearing panel or officer, the hearing panel or officer shall prepare written findings and recommendations and serve the findings and recommendations on the parties and the regulatory body for its review.

(2) If the hearing was conducted by the regulatory body, the regulatory body shall prepare a final decision in the manner provided in NRS 233B.125.

2. The regulatory body or hearing panel or officer may deviate from the order of the hearing set forth in subsection 1 if the regulatory body or hearing panel or officer:

(a) Upon a showing of good cause, deems it appropriate; or

(b) Deems it necessary to expedite or ensure the fairness of the hearing.

Sec. 24. 1. After the close of the hearing, a party may file only the following motions:

(a) A motion requesting a rehearing.

(b) A motion requesting reconsideration of the findings and recommendations of the hearing panel or officer or the final decision of the regulatory body.

(c) A motion requesting that the final decision of the regulatory body be vacated or modified.

(d) With leave of the regulatory body or hearing panel or officer, any other motion requesting appropriate action or relief after the close of the hearing.

2. A motion requesting a rehearing or reconsideration must be filed with:

(a) The hearing panel or officer not later than 15 days after the date of service of the findings and recommendations of the hearing panel or officer.

(b) The regulatory body not later than 15 days after the date of service of the final decision of the regulatory body.

3. A party who opposes the motion may file a response to the motion not later than 7 days after the date of service of the motion.

4. The regulatory body may authorize the president or chairman of the regulatory body to rule on the motion. The hearing panel may authorize the chairman or presiding officer of the hearing panel to rule on the motion.

5. A motion requesting a rehearing or reconsideration may be based only on one of the following grounds:

(a) Newly discovered or available evidence.

(b) Error in the hearing or in the findings and recommendations or the decision that would be grounds for reversal of the findings and recommendations or the decision.
(c) The need in the public interest for further consideration of the issues or evidence, or both.

6. The regulatory body or hearing panel or officer shall enter an order ruling on the motion requesting a rehearing or reconsideration not later than 25 days after the date on which the motion is filed. A copy of the order must be served on each party. The regulatory body or hearing panel or officer may:
   (a) Deny the motion;
   (b) Order a rehearing or partial rehearing;
   (c) Order reconsideration of the findings and recommendations or the decision; or
   (d) Direct other proceedings as the regulatory body or hearing panel or officer deems appropriate.

7. If the regulatory body or hearing panel or officer orders a rehearing, the rehearing must be confined to the issues upon which the rehearing was ordered.

Sec. 25. 1. Except as otherwise provided in the Constitution of this State, a party may not seek any type of judicial intervention or review of a contested case until after the contested case results in a final decision of the regulatory body.

2. Except as otherwise provided in this section, a party may seek judicial review of a final decision of the regulatory body in accordance with the provisions of chapter 233B of NRS that apply to a contested case.

3. Notwithstanding the provisions of subsection 1 of NRS 233B.131 regarding transmittal of the record of the proceeding under judicial review:
   (a) The party filing the petition for judicial review shall provide an original or certified copy of the transcript of the hearing to the reviewing court; and
   (b) The regulatory body shall provide an original or certified copy of the remainder of the record of the proceeding under review to the reviewing court.

Sec. 26. 1. If a regulatory body revokes the license of a person in a contested case pursuant to this chapter, the regulatory body shall, in the final decision of the regulatory body ordering the revocation, prescribe a period during which the person may not apply for reinstatement of the license. The period must not be less than 1 year and not more than 10 years.

2. In addition to any other requirements set forth in the applicable occupational licensing chapter, if a person applies for reinstatement of a license that has been revoked in a contested case pursuant to this chapter, the person shall:
   (a) Submit an application on a form supplied by the regulatory body.
   (b) Satisfy all the current requirements for the issuance of an initial license.
   (c) Attest that, in this State or any other jurisdiction:
The person has not, during the period of revocation, violated any state or federal law governing the practice of the licensed occupation or profession or any related occupation or profession, and no criminal or civil action involving such a violation is pending against the person; and

(2) No other regulatory body having jurisdiction over the practice of the licensed occupation or profession or any related occupation or profession has, during the period of revocation, taken disciplinary action against the person, and no such disciplinary action is pending against the person.

(d) Satisfy any additional requirements for reinstatement of the license prescribed by the regulatory body.

3. The regulatory body shall consider each application for reinstatement of a license submitted pursuant to this section. In determining whether to reinstate the license, the regulatory body shall consider the following criteria:

(a) The severity of the act resulting in the revocation of the license.

(b) The conduct of the person after the revocation of the license.

(c) The amount of time elapsed since the revocation of the license.

(d) The veracity of the attestations made by the person pursuant to subsection 2.

(e) The degree of compliance by the person with any additional requirements for reinstatement of the license prescribed by the regulatory body.

(f) The degree of rehabilitation demonstrated by the person.

4. If the regulatory body reinstates the license, the regulatory body may place any conditions, limitations or restrictions on the license as it deems necessary.

5. The regulatory body may deny reinstatement of the license if the person fails to comply with any provisions of this section.

6. The regulatory body’s denial of reinstatement of the license is not a contested case for the purposes of judicial review.

Secs. 27-41. (Deleted by amendment.)

Sec. 41.5. NRS 622.060 is hereby amended to read as follows:

622.060 "Regulatory body" means:

1. Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title; and

2. Any officer of 

3. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential,
unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The Board may report to other related professional boards and organizations an applicant’s score on an examination given by the Board.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Amend sec. 43, page 20, by deleting lines 11 and 12 and inserting: "conducted by the Board.".

Amend the bill as a whole by deleting sec. 49 and adding:

"Sec. 49. (Deleted by amendment.)"

Amend sec. 52, page 25, by deleting lines 10 and 11 and inserting: "by the Board."

Amend the bill as a whole by deleting sec. 53 and adding a new section designated sec. 53, following sec. 52, to read as follows:

"Sec. 53. NRS 623A.305 is hereby amended to read as follows:

623A.305 1. When a complaint is filed with the Executive Director of the Board, it must be considered by the President of the Board or a member of the Board designated by him. If it appears to the President or the person designated by him that further proceedings are warranted, he shall report the results of his investigation together with his recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the President or a person designated by him and shall dismiss the complaint or proceed with disciplinary action pursuant to sections 2 to 41, inclusive, of this act."

Amend sec. 55, page 26, by deleting line 21 and inserting: "2. [A record specified in subsection 1] The records described in this section may be disclosed."

Amend sec. 55, page 26, by deleting lines 39 through 42 and inserting: "4. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the
Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sections 57 through 74 and adding new sections designated sections 57 through 74, following sec. 56, to read as follows:

"Sec. 57. NRS 625A.180 is hereby amended to read as follows:

625A.180 1. If the Board finds after notice and a hearing as required by law, or after providing an opportunity for such a hearing, that disciplinary action is necessary, it may by order:

(a) Place the environmental health specialist on probation for a specified period or until further order of the Board;
(b) Administer a public reprimand; or
(c) Suspend or revoke his certificate.

2. If the order places an environmental health specialist on probation, the Board may impose such limitations or conditions upon his professional activities as it finds consistent to protect the public health.

3. The Board shall not administer a private reprimand.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 58. NRS 625A.185 is hereby amended to read as follows:

625A.185 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."
Sec. 59. NRS 625A.190 is hereby amended to read as follows:

625A.190 1. Upon denial of an application for registration, [or renewal of a certificate, or other disciplinary action,] the Board shall give the person written notice of its decision mailed to him at his last known address by certified mail, return receipt requested. The notice must:
   (a) State the reason for the denial; [or disciplinary action,] and
   (b) Inform the person that he has the right to a hearing before the Board.
2. A written request for a hearing must be filed with the Board within 30 days after the notice is mailed. If a hearing is requested, the Board shall set a time and place for a formal hearing and notify the person of the time and place set for the hearing. The Board shall hold the hearing at the time and place designated in the notice.

Secs. 60-74. (Deleted by amendment.)

Amend sec. 75, page 36, by deleting lines 17 through 19 and inserting:

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of sections 2 to 41, inclusive, of this act all complaints made against any homeopathic.

Amend sec. 75, page 36, by deleting lines 26 and 27 and inserting:

"complaint to the other licensing board.”.

Amend the bill as a whole by deleting sections 80 and 81 and adding:

"Secs. 80 and 81. (Deleted by amendment.)"

Amend the bill as a whole by deleting sec. 91 and adding a new section designated sec. 91, following sec. 90, to read as follows:

"Sec. 91. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section, [any records or information obtained during] a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation [by the Board and any record of the investigation] conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.
2. The [complaint or other document filed by] charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.
3. The [Board may provide any record or information described in subsection 1 to] provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency, which is investigating a person who is licensed pursuant to this chapter.

Amend sec. 93, page 44, by deleting lines 14 through 17 and inserting:
"2. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sections 94 and 95 and adding: "Secs. 94 and 95. (Deleted by amendment.)"

Amend the bill as a whole by deleting sections 97 and 98 and adding: "Secs. 97 and 98. (Deleted by amendment.)"

Amend sec. 99, page 46, by deleting line 28 and inserting: "designated to review a complaint pursuant to NRS 633.541 has"

Amend the bill as a whole by deleting sec. 110 and adding: "Sec. 110. (Deleted by amendment.)"

Amend the bill as a whole by deleting sec. 113 and adding: "Sec. 113. (Deleted by amendment.)"

Amend sec. 114, page 51, by deleting lines 6 through 8 and inserting: "634.170 1. When a complaint is filed with the Executive Director of the Board, it must be considered by the President or a member of the Board designated by him. [If, from the complaint or]"

Amend sec. 114, page 51, by deleting line 13 and inserting: "2. Notwithstanding the provisions of sections 2 to 41, inclusive, of"

Amend sec. 114, page 51, by deleting lines 18 through 22 and inserting: "[2. If the]"

3. Except as otherwise provided in subsection 2, if a complaint is not deemed by the President or designated member of the Board to be of sufficient import or sufficiently well founded to merit bringing proceedings against the person charged, the complaint must be held in abeyance and discussed at the next meeting of the Board."

Amend sec. 118, page 53, by deleting lines 17 through 20 and inserting: "4. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the
Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Amend sec. 121, pages 53 and 54, by deleting lines 43 through 45 on page 53 and lines 1 through 12 on page 54, and inserting:

"634A.185 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Amend sec. 125, page 55, by deleting lines 30 through 44 and inserting:

"635.158 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.
4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sections 126 through 134 and adding:

"Secs. 126-134. (Deleted by amendment)."

Amend sec. 136, page 59, by deleting lines 37 through 43 and inserting:

"3. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sec. 143 and adding:

"Sec. 143. (Deleted by amendment)."

Amend sec. 147, pages 64 and 65, by deleting lines 39 through 45 on page 64 and lines 1 through 5 on page 65, and inserting:

"637A.315 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."
Amend the bill as a whole by deleting sec. 149 and adding:
"Sec. 149. (Deleted by amendment.)"

Amend sec. 152, page 66, by deleting lines 20 through 31 and inserting:
"637B.288 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of [the] an investigation conducted to determine whether to initiate disciplinary action against a person are confidential [ ], unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The [complaint or other document filed by] charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend sec. 154, page 67, by deleting lines 16 through 19 and inserting:
"3. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sections 156 and 157 and adding:
"Secs. 156 and 157. (Deleted by amendment.)"

Amend the bill as a whole by deleting sec. 159 and adding a new section designated sec. 159, following sec. 158, to read as follows:
"Sec. 159. NRS 638.1429 is hereby amended to read as follows:

638.1429 1. After the investigation of the complaint is completed, the member of the Board who conducted the investigation shall submit to the Board a written report of his findings and recommendations concerning the disposition of the complaint."
2. If the Board determines that there is not sufficient evidence to believe that a licensee has committed an act which constitutes a cause for disciplinary action, the Board shall dismiss the complaint and send a written notice to the person who filed the complaint and the licensee who was the subject of the investigation that the complaint was dismissed.

3. If the Board determines that there is sufficient evidence to believe that a licensee has committed an act which constitutes a ground for disciplinary action, the Board may enter into a settlement agreement with the licensee. The settlement agreement must be signed by the licensee and the President of the Board. The Board shall send a written notice of the settlement to the person who filed the complaint against the licensee. The notice must include a copy of the settlement agreement. The complaint and the settlement agreement are public records.

[4. If the Board does not enter into a settlement agreement with the licensee, the Board shall:
(a) Cause an accusation to be filed against the licensee. The accusation must:
(1) Include a written statement of the charges alleged;
(2) Set forth in ordinary and concise language the acts or omissions with which the licensee is charged;
(3) Specify the statutes and regulations which the licensee is alleged to have violated; and
(4) Be signed by the President of the Board.
(b) Fix a time and place for a hearing and so notify the licensee at least 30 days before the date of the hearing. The notice must include a copy of the accusation and any disciplinary action the Board may impose pursuant to NRS 638.147.]

Amend sec. 170, page 73, by deleting lines 14 through 30 and inserting:
"640.075 1. Except as otherwise provided in this section, [any records or information obtained during the course of a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation by the Board and any record of the investigation conducted to determine whether to initiate disciplinary action against a person are confidential], unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The [complaint or other document filed by charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. [This section does not prevent or prohibit the Board from communicating or cooperating with another or providing any documents or other information to any other licensing board or any other agency which is investigating a licensee, a person, including , without limitation, a law enforcement agency.}
4. An order that imposes discipline and the finding of fact and conclusion.

Amend sec. 172, pages 74 and 75, by deleting lines 31 through 45 on page 74 and line 1 on page 75, and inserting:

"640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and be signed and verified by the person filing it. The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of sections 2 to 41, inclusive.

Amend the bill as a whole by deleting sec. 174 and adding:

"Sec. 174. (Deleted by amendment.)"

Amend sec. 177, page 77, by deleting lines 5 through 14 and inserting:

"640A.220 1. Except as otherwise provided in this section, any records or information obtained during the course of a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Amend sec. 179, page 78, after line 42, by inserting:

"3. The Board shall not issue a private reprimand to a licensee.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records."

Amend sec. 181, page 79, line 36, by deleting "Any" and inserting "1. Any".
Amend sec. 181, pages 79 and 80, by deleting line 44 on page 79 and lines 1 through 7 on page 80 and inserting: "Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and other information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend sec. 182, page 80, by deleting lines 23 through 28 and inserting: "The Board may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend sec. 185, page 81, by deleting lines 33 and 34 and inserting: "641.240 1. If the Board, a panel of its members or a hearing officer appointed by the Board finds a person."

Amend the bill as a whole by deleting sec. 187 and adding: "Sec. 187. (Deleted by amendment.)."

Amend sec. 192, page 84, by deleting lines 5 and 6 and inserting: "41, inclusive, of this act, in any disciplinary proceeding before the Board, a panel of its members or a hearing officer."

Amend sec. 193, page 84, by deleting lines 20 and 21 and inserting:
"1. Pending disciplinary proceedings before the Board, a panel of its members or a hearing officer, the court".

Amend sec. 193, page 84, by deleting lines 29 and 30 and inserting:
"2. The disciplinary proceedings before the Board, a panel of its members or a hearing officer must be instituted and determined".

Amend sec. 195, page 85, by deleting lines 4 and 5 and inserting:
"by an order of the Board, a panel of its members or a hearing officer may apply to the Board after 1 year for removal of the"

Amend the bill as a whole by deleting sections 196 through 200 and adding:
"Secs. 196-200. (Deleted by amendment.)"

Amend sec. 202, pages 87 and 88, by deleting lines 39 through 44 on page 87 and lines 1 through 11 on page 88, and inserting:
"2. [Any records or information received by the Board are public records if:
(a) The records or information were obtained by the Board during the course of an investigation, the investigation is completed and disciplinary action is imposed by the Board as a result of the investigation; or
(b) The licensee or the applicant for a license submits a written request to the Board asking that the information or records be made public records.

3. This section does] Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency, which is investigating a person licensed pursuant to this chapter."]"

Amend the bill as a whole by deleting sec. 205 and adding:
"Sec. 205. (Deleted by amendment.)"

Amend sec. 211, page 92, by deleting lines 18 through 21 and inserting:
"may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. [As soon as practicable after the filing of the complaint, the]"
Amend sec. 211, page 92, by deleting lines 32 through 35 and inserting:

"5. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor or certified ".

Amend sec. 212, page 93, by deleting lines 25 through 43 and inserting:

"641C.760 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. If the Board receives a request or subpoena for records or information obtained during an investigation by the Board and the records or information is not made public pursuant to subsection 2, the Board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the Board may release the records or information only upon the order of a court of competent jurisdiction. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend sec. 216, page 95, by deleting lines 19 through 29 and inserting:

"642.500 1. A petition for the revocation or suspension of a permit to operate a funeral establishment, funeral director’s license or license to conduct direct cremations or immediate burials may be filed by the Attorney General or by the district attorney of the county in which the funeral establishment exists or the licensee resides or has practiced, or by any person residing in this State.

2. The petition must be filed with the Board and state the charges against the licensee with reasonable definiteness.

3. Upon the presentation of the petition to the Board, the Board"

Amend sec. 218, page 96, by deleting lines 13 through 24 and inserting:

"642.524 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records."
2. The [complaint or other document filed by] charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Amend sec. 226, pages 98 and 99, by deleting lines 35 through 44 on page 98 and lines 1 and 2 on page 99, and inserting:

"643.189 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The [complaint or other document filed by] charging document filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sec. 227 and adding:

"Sec. 227. (Deleted by amendment.)"

Amend the bill as a whole by deleting sec. 230 and adding new sections designated sections 229.5 through 230, following sec. 229, to read as follows:

"Sec. 229.5. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The [complaint or other document filed by] charging document filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.
3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 230. NRS 648.033 is hereby amended to read as follows:

648.033 1. The Board shall maintain a public record of:
(a) The business it transacts at its regular and special meetings; and
(b) The applications received by it together with the record of the disposition of each application.
2. Information obtained by the Board from other than public sources concerning the:
(a) Financial condition; or
(b) Criminal record,
¬ of an applicant or a licensee is confidential and may be revealed only to the extent necessary for the proper administration of the provisions of this chapter.
3. The Board may release information described in subsection 2 to an agency of the Federal Government, of a state or of a political subdivision of this State.
4. The Board shall adopt by regulation a procedure for notifying the applicant or licensee of the release of confidential information pursuant to subsections 2 and 3. The Board shall release information described in subsection 2 concerning an applicant or licensee to the applicant or licensee upon request.
5. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.
6. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.
7. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 230.3. NRS 648.040 is hereby amended to read as follows:

648.040 1. Except as otherwise provided in subsection 6, all money received pursuant to the provisions of this chapter must be deposited in the State Treasury for credit to the Attorney General’s Special Fund and must be
used by the Board for the administration of this chapter and to pay the expenses and salary of members, agents and employees of the Board.

2. Any amount remaining in the Fund at the end of a fiscal year must be carried forward into the next fiscal year.

3. The Board through majority vote controls exclusively the expenditures from the Fund. The Board may not make expenditures or incur liabilities in a total amount greater than the amount of money actually available in the Fund.

4. Except as otherwise provided in subsection 6, the money in this Fund may be used to:
   (a) Pay the expenses of the Board in connection with the investigation of the background of an applicant;
   (b) Finance a substantive investigation of a licensee or of unlicensed activity; and
   (c) Pay the operational and administrative expenses of the Board and its Secretary, and for such other expenses as the Board deems appropriate to regulate the persons subject to its supervision.

5. In a manner consistent with the provisions of sections 2 to 41, inclusive, of this act, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in the State Treasury for credit to the Attorney General’s Special Fund.

6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund. In such a case, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney’s fees or the costs of an investigation, or both.

Sec. 230.6. NRS 648.175 is hereby amended to read as follows:

648.175 1. If, after notice and a hearing as required by law, the Board finds that cause exists, the Board may:
   (a) Revoke the license of the licensee.
   (b) Suspend the license of the licensee for not more than 1 year for each violation.
   (c) Fine the licensee not more than $5,000 for each violation.
   (d) Suspend an order authorized by this section upon such terms and conditions as the Board considers appropriate.
   (e) Place the licensee on probation for not more than 2 years upon such terms and conditions as the Board considers appropriate.
   (f) Publicly reprimand the licensee.
   (g) Affirm, modify or vacate the penalty imposed by a notice of violation.

2. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.”. 
Amend sec. 231, page 102, by deleting lines 1 through 6 and inserting:

"2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend sec. 236, pages 103 and 104, by deleting lines 39 through 45 on page 103 and lines 1 through 8 on page 104, and inserting:

"656.105 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to sections 2 to 41, inclusive, of this act and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency."

Amend the bill as a whole by deleting sec. 237 and adding:

"Sec. 237. (Deleted by amendment)."

Amend the bill as a whole by adding a new section designated sec. 238.5, following sec. 238, to read as follows:

"Sec. 238.5. NRS 656.280 is hereby amended to read as follows:
1. The Board may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as set forth in NRS 656.240 to 656.270, inclusive, investigate the actions of any person who applies for, or holds or represents that he holds a license or certificate.

Such a person is in this section and in NRS 656.290 called the accused.

2. The Board shall, before refusing to issue, suspending or revoking any license or certificate, notify the accused applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the accused applicant or by mailing by registered or certified mail to the last known place of business of the accused applicant.

3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.

4. The Board may continue the hearing from time to time.

Amend sec. 240, pages 105 and 106, by deleting lines 40 through 45 on page 105 and lines 1 through 3 on page 106, and inserting:


Amend the bill as a whole by deleting sec. 241 and adding:

"Sec. 241. (Deleted by amendment.)"

Amend sec. 242, page 106, line 8, by deleting: "complaint filed or".

Amend sec. 243, page 106, by deleting lines 10 through 21 and inserting:

"Sec. 243. 1. This section and sections 1 to 203, inclusive, 205 to 234, inclusive, and 236 to 242, inclusive, of this act become effective on October 1, 2005.

2. Sections 203 and 234 of this act expire by limitation."

Amend sec. 243, page 106, line 32, by deleting "74, 133."

Amend the bill as a whole by deleting the leadlines of repealed sections and inserting:

LEADLINES OF REPEALED SECTIONS

623.280 Revocation of certificate: Notice; report of findings.
623A.310 Hearing: Procedure; rights of defendant; decision of Board.
623A.320 Application for rehearing.
623A.330 Rehearing: Notice; procedure; decision of Board.
623A.3535 Confidentiality of records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
633.611 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; dissemination of records to other entities.
634.193 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
634.214 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
637.087 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
637.165 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
637A.295 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
637B.285 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
638.088 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
638.146 Right of person charged to hearing; continuation; reopening.
638.1476 Decision of hearing officer or panel final; appeal to Board.
638.1479 Licensee’s statement after Board’s order; consideration by Board.
640.165 Depositions; taking of evidence in another state.
640.166 Time for decision of Board.
640.167 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
641.255 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records.
641.275 Appointment of hearing officer or panel to conduct hearing or investigation; appeal to Board; action by Board.
641.2755 Rights of person named in complaint; notification of rights.
641.280 Conduct of hearing; rights of person named in complaint; continuance.
641.300 Rehearing: Time for application.
641.310 Rehearing: Notice; procedure; decision.
641B.420 Date of hearing; notice.
641B.440 Rehearing.
641C.750 Deposition of witnesses; taking of evidence in another jurisdiction.
644.445 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
648.034 Records: Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; communication and cooperation with other agencies.
648.178 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.
654.115 Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records."
Amend the title of the bill by deleting the third through fifth lines and inserting: "administer occupational licensing;".

Senator Carlton moved the adoption of the amendment.

Remarks by Senators Carlton, Townsend and Amodei.

Senator Townsend requested that his remarks be entered in the Journal.

Senator Amodei and I spent a considerable amount of time wrestling with the jurisdiction of the two committees. We agreed with regard to a number of issues. One of them has to do with the administrative process. All of the work Senator Carlton did deals with Title 54 which deals with all licensing boards. The Legislative Counsel Bureau tried to consolidate this effort, but in doing so, shifted it from Title 54 to the Administrative Code section, which is the jurisdiction of the Committee on Judiciary. When it was changed in the amendment and we took most everything out, I missed the necessity for us to take the amendment and rerefer the bill to the Committee on Judiciary. Now, it is in a different section of the law. I want everyone to understand so that in the future when something like that happens then the Committee on Commerce and Labor will rerefer those bills to the Committee on Judiciary.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 399. Amend the bill as a whole by deleting sections 2 through 4 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. "Authorized business" means a business that maintains a formally trained security staff which provides security and security supervision on the premises of the business 24 hours per day.

Sec. 3. 1. "Authorized person" means a person who:

(a) Works for an authorized business as a shift security supervisor or manager;

(b) Has completed the required training;

(c) Has been approved by the authorized business for which he works to receive information pursuant to section 4 of this act, following a complete investigation of his background; and

(d) Has been listed with a local law enforcement agency as a person approved by the authorized business to request and receive information pursuant to section 4 of this act.

2. As used in this section, "required training" means training that:

(a) Is provided at the expense of the authorized business; and

(b) Must include, without limitation, classes certified by the Nevada Sheriffs and Chiefs Association or, if the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor, regarding records of criminal history, the dissemination of records of criminal history and criminal intelligence information, as that term is defined in Part 23 of Title 28 of the Code of Federal Regulations."
Sec. 4. 1. To protect public safety, an authorized business that wishes to obtain information pursuant to this section may submit to a local law enforcement agency the names of authorized persons who may request and receive such information.

2. If an authorized person has reasonable suspicion to believe that a motor vehicle located on the property of the authorized business for which he works, the registered owner of a motor vehicle located on the property or a person located on the property may pose a threat to the safety of the public, the authorized person may request the disclosure of the following information concerning the motor vehicle, registered owner or person:
   (a) Whether the motor vehicle located on the property is stolen or wanted.
   (b) Whether the registered owner of the motor vehicle located on the property is wanted for questioning by any law enforcement agency.
   (c) Whether the person located on the property is wanted for questioning by any law enforcement agency.
   (d) Any information that may be disseminated pursuant to subsection 1 of NRS 179A.100, if it is determined by the local law enforcement agency that the information is relevant to the authorized business under the circumstances.

3. A local law enforcement agency may charge a reasonable fee to an authorized business for providing information pursuant to this section.

4. A local law enforcement agency shall not disseminate any information concerning a motor vehicle located on the property, the registered owner of a motor vehicle located on the property or a person located on the property other than the information specifically identified in subsection 2.

5. An authorized person who obtains information pursuant to this section shall not:
   (a) Disseminate that information further without express authority of law or in accordance with a court order, except that the authorized person may disseminate that information to an appropriate law enforcement agency; or
   (b) Use that information for any unlawful purpose, including, without limitation, the commission of any criminal act or the denial of the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation without discrimination or segregation on the ground of race, color, religion, national origin or disability in violation of NRS 651.070.

6. A person who violates any provision of subsection 5 is guilty of a gross misdemeanor.

7. For the purposes of the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721, the Legislature hereby declares that any disclosure of personal information pursuant to this section is necessary to protect public safety.

8. As used in this section, "registered owner" has the meaning ascribed to it in NRS 482.102."

Amend sec. 6, page 5, by deleting lines 15 and 16 and inserting:
"(t) An authorized person"

Amend the bill as a whole by deleting sections 7 through 9 and renumbering sec. 10 as sec. 7.

Amend the title of the bill to read as follows:

"AN ACT relating to public safety; authorizing certain persons involved in the security of authorized businesses to receive certain information pertaining to persons and motor vehicles that may pose a threat to public safety; prohibiting persons who receive such information from disseminating the information received or using the information received for an unlawful purpose; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes release and use of certain information pertaining to persons and motor vehicles that may pose threat to public safety. (BDR 14-285)"

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 436.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"1. Except as otherwise provided in this section, a high-rise residential building that is part of a high-rise residential common-interest community may not be used or occupied and a change in the existing occupancy classification of the high-rise residential building may not be made until a building official has issued a certificate of occupancy for the high-rise residential building in accordance with the building code for the city or county.

2. Notwithstanding any provision of the building code for the city or county to the contrary, before completion of the entire work covered by the permit for the high-rise residential building, a building official may issue a temporary certificate of occupancy for one or more portions of the high-rise residential building that may be occupied safely during completion of the remaining portions of the high-rise residential building.

3. A building official may not issue a temporary certificate of occupancy pursuant to subsection 2 unless:

   (a) All structural components of the high-rise residential building have been fully completed;
(b) All germane life safety, fire detection, fire suppression, smoke management, emergency exiting and related architectural systems have been fully completed on:
   (1) The floor containing the portions of the high-rise residential building to be covered by the temporary certificate of occupancy;
   (2) The floor immediately above that floor; and
   (3) All floors below that floor; and
(c) All other requirements for issuance of the temporary certificate of occupancy have been satisfied.

4. If a building official issues a temporary certificate of occupancy pursuant to subsection 2, the building official shall set a specific time period during which the temporary certificate of occupancy is valid.

5. As used in this section, "high-rise residential building" and "high-rise residential common-interest community" have the meanings ascribed to those terms in section 4 of this act.

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

"Sec. 3. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. "High-rise residential common-interest community" means a common-interest community in which a majority of the units are or will be:
   (a) Located in one or more high-rise residential buildings; and
   (b) Designed or intended for residential use.

2. As used in this section:
   (a) "High-rise residential building" means a building that:
      (1) Is part of a common-interest community, has at least five floors above ground level, including the ground floor, and has a majority of its interior square footage designed or intended for residential use; or
      (2) When completed, will be part of a common-interest community, will have at least five floors above ground level, including the ground floor, and will have a majority of its interior square footage designed or intended for residential use.
   (b) "High-rise residential building" does not include any building or group of buildings that is or will be maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public.

Sec. 5. 1. In a high-rise residential common-interest community:
   (a) Votes allocated to a unit may be cast pursuant to a proxy in accordance with the provisions of the governing documents;
   (b) The governing documents may include provisions for casting votes pursuant to a proxy that are different from the provisions of NRS 116.311; and
   (c) If authorized by the governing documents, a unit’s owner may give a proxy to any other person.
2. If the governing documents for a high-rise residential common-interest community are silent on a matter that is covered by the provisions of NRS 116.311, the provisions of NRS 116.311 control until the governing documents provide otherwise.

Sec. 6. NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, and section 4 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 116.3106 is hereby amended to read as follows:

116.3106 1. The bylaws of the association must provide:

(a) The number of members of the executive board and the titles of the officers of the association;
(b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;
(c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;
(d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons or to a community manager;
(e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;
(f) Procedural rules for conducting meetings of the association;
(g) A method for amending the bylaws; and
(h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws [may]:

(a) May provide for any other matters the association deems necessary and appropriate; and
(b) In a high-rise residential common-interest community, may include provisions authorized pursuant to section 5 of this act.

3. The bylaws must be written in plain English.

Amend sec. 3, page 2, by deleting lines 10 through 14 and inserting: "A unit’s owner may give a proxy only to a member of his immediate family, a tenant of the unit’s owner who resides in the common-interest community, another unit’s owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a".

Amend sec. 3, page 3, after line 26, by inserting:

"10. The provisions of this section do not apply to a high-rise residential common-interest community to the extent that its governing documents include provisions authorized pursuant to section 5 of this act for casting votes pursuant to a proxy that are different from the provisions of this section."

Amend the title of the bill to read as follows:

"AN ACT relating to real property; enacting provisions relating to the issuance of temporary certificates of occupancy for a high-rise residential
building that is part of a high-rise residential common-interest community; allowing the governing documents of a high-rise residential common-interest community to include provisions for casting votes pursuant to a proxy that are different from the general provisions in the Uniform Common-Interest Ownership Act; and providing other matters properly relating thereto.

Amend the summary of the bill to read as follows:

"SUMMARY—Enacts various provisions relating to high-rise residential common-interest communities. (BDR 22-778)"

Senator Schneider moved the adoption of the amendment.

Remarks by Senators Schneider, Titus, Horsford and Carlton.

Senator Schneider requested that his remarks be entered in the Journal.

Thank you, Madam President. There are currently 80 high-rise buildings in Clark County.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 590.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 2, by deleting line 6 and inserting:

"Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every ballot upon which appears a measure shall"

Amend sec. 3, page 2, by deleting lines 16 through 19 and inserting:

"measure may be counted in determining whether a measure is approved or disapproved by the voters, but for each measure the number of ballots on which the additional line reading "no preference" was chosen shall be listed following the lines for the approval or disapproval of the measure and the number of votes for the approval or disapproval of the measure in every posting, abstract and proclamation of the results of the election."

Amend the bill as a whole by renumbering sections 4 through 8 as sections 3 through 7 and adding a new section designated sec. 2, following sec. 3, to read as follows:

"Sec. 2. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any [statewide office or for President and Vice President of the United States office] shall contain for each office an additional line equivalent to the lines on which the candidates’ names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express his choice of that line in the same manner as he would express his choice of a
candidate, and the line shall read "None of these candidates." "No preference."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any office, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark his choice of the line "None of these candidates" "No preference" only if he has not voted for any candidate for the office.

Amend sec. 4, page 2, lines 29 and 30, by deleting: "section 2 of this act or".

Amend sec. 5, page 2, by deleting line 41 and inserting: "NRS 293.269, except that in a general".

Amend sec. 5, page 3, line 7, by deleting "3" and inserting "1".

Amend sec. 6, page 3, by deleting lines 26 through 35 and inserting: "vote for any person for any office for which he has the right to vote, but none other, or to indicate a vote of no preference for any of the candidates for the office."

Amend sec. 7, page 4, by deleting lines 14 through 17 and inserting: "[ ] ; and".

Amend sec. 7, page 4, line 18, by deleting "(4)" and inserting "(3)".

Amend the title of the bill, third line, by deleting "certain offices;" and inserting "any office;".

Amend the summary of the bill to read as follows:
"SUMMARY—Provides for option of voting "no preference" for ballot question or office. (BDR 24-1328)"

Senator Cegavske moved the adoption of the amendment.
Remarks by Senators Cegavske, Horsford and Beers.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senator Raggio moved that the Senate recess subject to the call of the Chair.

Senate in recess at 6:05 p.m.

SENATE IN SESSION

At 6:11 p.m.
President Hunt presiding.
Quorum present.

Senate Bill No. 343.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 213.
Amend the bill as a whole by deleting sections 2 through 5 and adding new sections designated sections 2 through 5, following section 1, to read as follows:

"Sec. 2. 1. "Consequential damages" means damages, losses or injuries that do not flow directly from the act of a party.
2. The term does not include the following:
   (a) Costs the lien claimant incurs, resulting from any delay, acceleration or disruption or other significant event, for which the lien claimant is entitled to compensation at law or in equity; or
   (b) A reasonable allowance for overhead and profit on the costs described in paragraph (a).

Sec. 3. "Construction control" has the meaning ascribed to it in NRS 627.050.

Sec. 4. 1. Except as otherwise provided in subsection 2, before a lessee may cause a work of improvement to be constructed, altered or repaired upon property that he is leasing, the lessee shall:
   (a) Record a notice of posted security with the county recorder of the county where the property is located upon which the improvement is or will be constructed, altered or repaired; and
   (b) Either:
      (1) Establish a construction disbursement account and:
         (I) Fund the account in an amount equal to the total cost of the work of improvement, but in no event less than the total amount of the prime contract;
         (II) Obtain the services of a construction control to administer the construction disbursement account; and
         (III) Notify each person who gives the lessee a notice of right to lien of the establishment of the construction disbursement account as provided in subparagraph (1) or (2) of paragraph (f) of subsection 3; or
      (2) Record a surety bond for the prime contract that meets the requirements of subsection 2 of NRS 108.2415 and notify each person who gives the lessee a notice of right to lien of the recording of the surety bond as provided in subparagraph (1) or (2) of paragraph (f) of subsection 3.

2. If the owner of a property is this State or a county, city, town, school district, public agency or other political subdivision of this State, and if the lessee of such property enters into a prime contract which exceeds $100,000,000 to construct, alter or repair a work of improvement on the property:
   (a) The lessee may establish a construction disbursement account pursuant to this subsection, in which event the lessee must:
      (1) Record a notice of posted security with the county recorder of the county where the property is located upon which the improvement is or will be constructed, altered or repaired;
(2) Fund the account in an amount equal to 50 percent of the estimated total cost of the work of improvement, but in no event less than 50 percent of the total amount of the prime contract;

(3) Obtain the services of a construction control to administer the construction disbursement account;

(4) Before the disbursement of any funds from the construction disbursement account for a given pay period:
   (I) Deposit sufficient funds in the account so that upon disbursement an amount equal to 50 percent of the total costs to complete the work of improvement is maintained in the account; and
   (II) Ensure that the construction control certifies in writing that upon disbursement an amount equal to 50 percent of the total costs to complete the work of improvement is held in the account; and

(5) Notify each person who gives the lessee a notice of right to lien of the establishment of the construction disbursement account as provided in subparagraph (1) or (2) of paragraph (f) of subsection 3; and

(b) The lessee is relieved of the obligations set forth in subsection 1 if the lessee complies with the provisions of paragraph (a).

3. The notice of posted security required pursuant to subsection 1 or 2 must:
   (a) Identify the name and address of the lessee;
   (b) Identify the location of the improvement and the address, legal description and assessor's parcel number of the property upon which the improvement is or will be constructed, altered or repaired;
   (c) Describe the nature of the lessee's interest in:
      (1) The property upon which the improvement is or will be constructed, altered or repaired; and
      (2) The improvement on such property;
   (d) If the lessee establishes a construction disbursement account pursuant to subsection 1 or subsection 2, include:
      (1) The name and address of the construction control;
      (2) The date that the lessee obtained the services of the construction control and the total amount of funds in the construction disbursement account; and
      (3) The number of the construction disbursement account, if any, unless publication is prohibited by law;
   (e) If the lessee records a surety bond pursuant to subsection 1, include:
      (1) The name and address of the surety;
      (2) The surety bond number;
      (3) The date that the surety bond was recorded in the office of the county recorder of the county where the property is located upon which the improvement is or will be constructed, altered or repaired;
      (4) The book and the instrument or document number of the recorded surety bond; and
(5) A copy of the recorded surety bond with the notice of posted security; and

(f) Be served upon each person who gives a notice of right to lien within 10 days after receipt of the notice of right to lien, in one of the following ways:

(1) By personally delivering a copy of the notice of posted security to the person who gives a notice of right to lien at the address identified in the notice of right to lien; or

(2) By mailing a copy of the notice of posted security by certified mail, return receipt requested, to the person who gives a notice of right to lien at the address identified in the notice of right to lien.

4. If a lessee fails to satisfy the requirements of subsection 1 or 2, any person who has performed work or will perform work or has furnished or will furnish materials or equipment for the work of improvement may stop work. If the lessee:

(a) Satisfies the requirements of subsection 1 or 2 within 25 days of any work stoppage, any person who stopped work shall resume work and is entitled to compensation for any reasonable costs and expenses that he incurred because of the delay and remobilization; or

(b) Does not satisfy the requirements of subsection 1 or 2 within 25 days after the work stoppage, any person who stopped work may terminate his contract relating to the work of improvement and is entitled to recover:

(1) The cost of all work, materials and equipment, including any overhead he and his lower-tiered subcontractors and suppliers incurred and profit he and his lower-tiered subcontractors and suppliers earned through the date of termination;

(2) The balance of the profit he and his lower-tiered subcontractors and suppliers would have earned if the contract had not been terminated;

(3) Any interest, costs and attorney’s fees that he and his lower-tiered subcontractors and suppliers are entitled to pursuant to NRS 108.237; and

(4) Any other amount awarded by a court or other trier of fact.

Sec. 5. 1. If a construction disbursement account is established and funded pursuant to subsection 1 or 2 of section 4 of this act, each lien claimant has a lien upon the funds in the account for an amount equal to the lienable amount owed to him. 2. The construction control described in subsection 1 or 2 of section 4 of this act shall disburse money to lien claimants from the construction disbursement account for the lienable amount owed such lien claimants. 3. A lien claimant may notify the construction control of a claim of lien by:

(a) Recording a notice of lien pursuant to NRS 108.226; or

(b) Personally delivering or mailing by certified mail, return receipt requested, a written notice of a claim of lien to the construction control within 90 days after the completion of the work of improvement.
4. Except as otherwise provided in subsection 5, the construction control shall pay a meritorious claim of lien upon receipt of the written notice described in subsection 3 from the funds available in the construction disbursement account.

5. If the construction disbursement account does not have sufficient funds to pay all claims of liens for which the construction control has received notice, the construction control may bring an action for interpleader against all lien claimants in the district court for the county where the property or some part thereof is located.

6. If an action for interpleader is brought pursuant to subsection 5, the construction control shall:
   (a) Deposit with the court an amount equal to one and one-half times the amount of the lien claims to the extent that there are funds available in the construction disbursement account;
   (b) Notify each lien claimant and any laborer, materialman, supplier, contractor, subcontractor, architect, engineer, supplier and other person who performed work or furnished materials or supplies for the work of improvement of the action for interpleader; and
   (c) Publish a notice of the action for interpleader once each week, for 3 successive weeks, in a newspaper of general circulation in the county in which the work of improvement is located.

7. A construction control who brings an action for interpleader pursuant to subsection 5 is entitled to be reimbursed from the construction disbursement account for the reasonable costs that he incurred in bringing such action.

8. If a construction control for a construction disbursement account established by a lessee does not properly certify the account, as provided for in sub-subparagraph (II) of subparagraph (4) of paragraph (a) of subsection 2 of section 4 of this act, the lessee is responsible for any resulting damages to any lien claimants.

Amend sec. 12, page 6, by deleting lines 10 and 11 and inserting: "all of the existing or new work, material and equipment furnished".

Amend sec. 13, page 7, by deleting lines 18 through 21 and inserting:
"1. The amount of the original contract is: $......................
2. The total amount of all [changes and additions.] new work, materials and equipment, if any, is: $...........................
3. The total amount of all payments received to date is: $......................
4. The amount of the lien, after deducting all just credits and"
Amend sec. 13, page 7, line 23, by deleting "2." and inserting "5."
Amend sec. 13, page 7, line 25, by deleting "3." and inserting "6."
Amend sec. 13, page 7, line 28, by deleting "4." and inserting "7."
Amend sec. 13, page 7, line 30, by deleting "5." and inserting "8."
Amend sec. 13, page 8, line 17, after "residences," by inserting: "including, without limitation, apartment houses."
Amend sec. 13, page 8, line 32, by deleting: "apartment houses or".
Amend sec. 15, page 10, line 27, by deleting "Each" and inserting: "[Each] To be effective and valid, each".
Amend sec. 15, page 11, lines 16 and 19, before "lien" by inserting "right to".
Amend sec. 15, page 11, line 24, by deleting "design."
Amend sec. 15, page 11, line 31, by deleting:
"(a) The disinterested" and inserting:
"(a) The disinterested"
Amend sec. 15, page 11, by deleting lines 40 through 45 and inserting:
"(b) The owner notifies the lessee in writing that [pursuant to subsection 4] the lessee must comply with section 4 or 5 of this act before causing a work of improvement to be constructed, altered or repaired upon the property [•], and the lessee complies with section 4 or 5 of this act."
Amend sec. 17, page 13, lines 6 and 7, by deleting: "highest of:
(1) The".
Amend sec. 17, page 13, line 10, by deleting "2" and inserting "[2] 4".
Amend sec. 17, page 13, line 12, by deleting "paid [•]" and inserting "paid.".
Amend sec. 17, page 13, by deleting lines 13 through 19 and inserting:
"Interest is payable from the date on which the payment is found".
Amend sec. 19, page 17, line 14, by deleting "an" and inserting: "a work of".
Amend sec. 19, page 19, line 18, after "owner" by inserting "or lessee".
Amend sec. 19, page 19, line 26, by deleting "proper".
Amend the bill as a whole by deleting sec. 20 and adding a new section designated sec. 20, following sec. 19, to read as follows:
"Sec. 20. NRS 108.2421 is hereby amended to read as follows:
108.2421 1. The lien claimant is entitled to [•]
(a) Bring [•] bring an action against [•] or
(b) If an action has been commenced, join in the pending action against, the principal and surety on the surety bond and the lien claimant’s debtor [•] in any court of competent jurisdiction that is located within the county where the property upon which the work of improvement is located.
2. If an action by a lien claimant to foreclose upon a lien has been brought:
(a) Before the surety bond is recorded:
(1) The lien claimant may amend his complaint to state a claim against the principal and the surety on the surety bond; or
(2) The liability of the principal and surety on the surety bond may be enforced pursuant to NRS 108.2423; or
(b) After the surety bond is recorded:
(1) If the surety bond is recorded pursuant to subsection 1 of NRS 108.2415, the lien claimant may bring an action against the principal..."
and the surety not later than 9 months after the date that the lien claimant was served with notice of the recording of the surety bond.

(2) If the surety bond is recorded pursuant to subsection 2 of NRS 108.2415, the lien claimant may bring an action against the principal and the surety within the later of:

(I) Nine months after the date that the lien claimant was served with notice of the recording of the surety bond; or

(II) Nine months after the date of the completion of the work of improvement.

3. At any time after the filing of a joint case conference report pursuant to Rule 16.1 of the Nevada Rules of Civil Procedure or, if the case is designated by the court as complex litigation, after the approval of the initial case management order by the court, each lien claimant in the action may serve upon the adverse party a "demand for preferential trial setting" and file the demand with the clerk of the court. Upon filing, the clerk of the court shall, before the Friday after the demand is filed, vacate a case or cases in a department of the court and set the lien claimant’s case for hearing, on a day or days certain, to be heard within 60 days after the filing of the "demand for preferential trial setting." Only one such preferential trial setting need be given by the court, unless the hearing date is vacated without stipulation of counsel for the lien claimant in writing. If the hearing date is vacated without that stipulation, upon service and filing, a new preferential trial setting must be given.

4. A lien claimant shall, at the time of making his demand for a preferential trial setting, and each other party to the preferential trial shall, within 20 days after the lien claimant’s service of the demand, serve upon all parties to the preferential trial the following documents and information:

(a) A copy of all documents that the party intends to rely upon at the time of the trial;

(b) A list of witnesses whom the party intends to call at the time of the trial, which must include for each witness:

(1) The name of the witness;

(2) The company for whom the witness works and title of the witness; and

(3) A brief summary of the expected testimony of the witness;

(c) Any supplemental discovery responses as required by the Nevada Rules of Civil Procedure;

(d) The identity of each person whom the party expects to call as an expert witness at the trial, together with a statement of the substance of the facts and opinions to which the expert witness is expected to testify and a summary of the grounds for each opinion;

(e) Any expert reports not previously disclosed; and

(f) A detailed summary of all claims, offsets and defenses that the party intends to rely upon at the trial.
5. Within 20 days after receipt of an opposing party’s identification of an expert witness, a party who desires to call a rebuttal expert witness at the trial must identify each person whom the party expects to call as a rebuttal expert witness, and must provide a statement of the substance of the facts and opinions to which the rebuttal expert witness is expected to testify and a summary of the grounds for each opinion.

6. A prevailing lien claimant on a claim against a surety bond must be awarded the lienable amount plus the total amount that may be awarded by the court pursuant to NRS 108.237, so long as the liability of the surety is limited to the penal sum of the surety bond. Such a judgment is immediately enforceable and may be appealed regardless of whether any other claims asserted or consolidated actions or suits have been resolved by a final judgment.

Amend sec. 21, page 22, line 6, by deleting "obtain" and inserting "provide".

Amend sec. 24, pages 23 and 24, by deleting lines 44 and 45 on page 23 and lines 1 through 6 on page 24, and inserting:

"3. No lien for materials or equipment furnished or for work performed, except labor, may be perfected or enforced pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act unless the owner or the agent of the owner has been given the notice described in subsection 1."

Amend the bill as a whole by deleting sec. 25 and adding a new section designated sec. 25, following sec. 24, to read as follows:

"Sec. 25. NRS 108.2453 is hereby amended to read as follows:

108.2453 1. Except as otherwise provided in NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act, a person may not waive or modify a right, obligation or liability set forth in the provisions of NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act.

2. A condition, stipulation or provision in a contract or other agreement for the improvement of property or for the construction, alteration or repair of a work of improvement in this State that attempts to do any of the following is contrary to public policy and is void and unenforceable:

(a) Require a lien claimant to waive rights provided by law to lien claimants or to limit the rights provided to lien claimants, other than as expressly provided in NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act;

(b) Relieve a person of an obligation or liability imposed by the provisions of NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act;

(c) Make the contract or other agreement subject to the laws of a state other than this State;
(d) Require any litigation, arbitration or other process for dispute resolution on disputes arising out of the contract or other agreement to occur in a state other than this State; or

(e) Require a prime contractor or subcontractor to waive, release or extinguish a claim or right that the prime contractor or subcontractor may otherwise possess or acquire for delay damages or an extension of time for delays incurred, for any delay, acceleration or disruption or other significant event which was unreasonable under the circumstances, not within the contemplation of the parties at the time the contract was entered into, and or for which the contractor or subcontractor is not responsible.

Amend sec. 26, page 25, by deleting lines 28 through 30, and inserting:
"then only to the extent of the payment [or
(c) Payment has been]
received.
3. Payment in the form of a two-party joint check made payable to [the] a lien".

Amend the bill as a whole by deleting sections 27 and 28.
Amend the title of the bill by deleting the eighteenth through twentieth lines and inserting: "action against a principal and surety; and".

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. 344.
Bill read second time.
The following amendment was proposed by the Committee on Transportation and Homeland Security:
Amendment No. 503.
Amend sec. 15, page 14, line 12, by deleting "or subsequent".
Amend sec. 15, page 14, line 16, by deleting "$2,000" and inserting "$4,000".

Amend sec. 15, page 14, by deleting line 21 and inserting:
"(d) For a fourth or subsequent offense, regardless of the length of time that has passed since the prior offenses, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $4,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately".
Amend sec. 15, page 14, line 25, after "convictions." by inserting: "For the purposes of paragraph (d) of subsection 1, an offense that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions."

Amend sec. 22, page 22, line 30, by deleting "14 section" and inserting "section 14".

Amend sec. 25, page 25, line 26, after "(c)" by inserting "or (d)".

Amend sec. 60, page 49, line 10, by deleting: "or section 14 of this act".

Amend sec. 60, page 50, line 13, after "to" by inserting: "a violation of section 14 of this act or".

Amend sec. 64, page 56, line 41, after "(c)" by inserting "or (d)".

Amend the title of the bill, fifth line, after "breath;" by inserting: "providing that a person may not petition the court for sealing the records relating to a conviction of driving under the extreme influence of alcohol;".

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Heck.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 498.

Amend sec. 3, page 1, by deleting lines 5 and 6 and inserting: "Sec. 3. 1. A local government in a county whose population is less than 100,000 or the governing body of an incorporated city whose population is less than 50,000 may designate any highway under the jurisdiction of the local government or governing body as permissible for the operation of off-road vehicles."

Amend sec. 3, page 1, line 8, by deleting: "city or county" and inserting: "local government or governing body".

Amend sec. 3, page 2, by deleting lines 2 through 5 and inserting: "pursuant to NRS 484.777 or 484.779, the ordinance must include, without limitation, a provision:
(a) Requiring a person who drives an off-road vehicle on the designated highway to be at least 14 years of age, as determined by the local government or governing body; and
(b) Requiring the periodic review of the designation of the highway as permissible for the operation of off-road vehicles."

Amend sec. 5, page 2, line 31, by deleting: "city or county" and inserting: "local government or governing body".
Amend sec. 5, page 2, line 34, by deleting: "city or county" and inserting: "local government or governing body".

Amend sec. 6, page 3, line 26, by deleting: "city or county" and inserting: "local government or governing body".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to motor vehicles; authorizing a certain local government or governing body to designate a highway under the jurisdiction of the local government or governing body as".

Amend the summary of the bill to read as follows:

"SUMMARY—Authorizes designation of certain highways as permissible for operation of off-road vehicles. (BDR 43-507)".

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck, Carlton, Titus and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 516.

Amend sec. 3, page 3, line 6, before "The" by inserting "1."

Amend sec. 3, page 3, between lines 12 and 13, by inserting:

"2. If the Director of the Department of Public Safety employs persons pursuant to subsection 1, the salaries for those positions must be paid from the State General Fund or from money received as grants from the Federal Government to the extent allowable pursuant to federal law, or both.".

Amend sec. 4, page 3, by deleting lines 13 through 26 and inserting:

"Sec. 4. 1. If the State or a political subdivision submits an application to and is approved to receive money from the Federal Government, this State, any other state, a local government, any agency or instrumentality of those governmental entities, or any private entity, to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism, the State or political subdivision shall, not later than 60 days after receiving such approval, submit to the Commission a written report that includes, without limitation:

(a) The total amount of money that the State or political subdivision has been approved to receive for the project or program;

(b) A description of the project or program, unless the State or political subdivision previously submitted a written report pursuant to this section relating to the same project or program; and

(c) The items to be paid for with the money that the State or political subdivision has been approved to receive for the project or program."
2. A project or program for which the State or a political subdivision is required to report the receipt of money pursuant to subsection 1 includes, without limitation, a project or program related to:
   (a) Homeland security;
   (b) Emergency management;
   (c) Health or hospitals;
   (d) Emergency medical services; and
   (e) Chemical, biological, radiological, nuclear, explosive, agricultural or environmental acts of terrorism.

3. Any grant related to terrorism that is administered by the Division and is provided to a political subdivision must be approved by the local emergency planning committee.

Amend sec. 5, page 3, line 27, by deleting: "a response agency" and inserting: "The State and each political subdivision"

Amend sec. 5, page 3, line 28, by deleting "administered" and inserting: "required as a condition to the receipt of money from the Federal Government"

Amend sec. 5, page 3, line 30, before "response" by inserting: "detection of, mitigation of"

(b) Submit to the Division documentation evidencing that the State or political subdivision has adopted the national system.

2. The Division shall submit on a quarterly basis documentation to the Commission evidencing the compliance of this State and each political subdivision with the provisions of paragraph (a) of subsection 1.

Amend sec. 7, page 4, by deleting lines 3 and 4 and inserting: "Security[,] consisting of the members appointed pursuant to this section[,] is hereby created.

Amend sec. 7, page 4, line 5, by deleting: "a number of" and inserting: "[a number of] 14"

Amend sec. 7, page 4, line 6, by deleting "appropriate," and inserting: "appropriate[,] and who serve at his pleasure;

Amend sec. 7, page 4, by deleting lines 8 through 12 and inserting:
"(a) [One member who is a representative of a Nevada law enforcement agency; and
(b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.] The sheriff of each county whose population is 100,000 or more;
(b) The chief of the county fire department in each county whose population is 100,000 or more;
(c) The agent in charge of the office of the Federal Bureau of Investigation in this State;
(d) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated; and
(e) A member of the medical community in a county whose population is 400,000 or more.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 8 through 10.
Amend sec. 10, pages 6 and 7, by deleting lines 26 through 45 on page 6 and lines 1 through 3 on page 7, and inserting:

"239C.170 The Chairman of the Commission shall, with the approval of the Commission, appoint a Committee on Finance and any other committees deemed necessary by the Chairman to assist in carrying out the duties of the Commission. The Chairman of the Commission shall appoint to a committee the number of voting members or nonvoting members, or both, that he determines to be appropriate, except that a committee must include at least one member of the Commission. At its first meeting and annually thereafter, a committee shall select a chairman and a vice chairman from the members of the committee."

Amend the bill as a whole by deleting sections 12 and 13 and renumbering sections 14 and 15 as sections 11 and 12.
Amend sec. 14, page 9, by deleting line 36 and inserting:
"3. A plan."
Amend sec. 14, page 9, by deleting lines 40 and 41 and inserting:
"subsection 1. An."
Amend sec. 14, page 10, by deleting lines 5 through 7.
Amend the bill as a whole by renumbering sections 16 and 17 as sections 14 and 15 and adding a new section designated sec. 13, following sec. 15, to read as follows:
"Sec. 13. 1. The term of office of a person appointed before the effective date of this act to the Nevada Commission on Homeland Security pursuant to subsection 2 of NRS 239C.120 expires on the effective date of this act.
2. On or after the effective date of this act and on or before July 1, 2005, the Governor shall appoint the 14 members required to be appointed to the Nevada Commission on Homeland Security pursuant to subsection 2 of NRS 239C.120, as amended by section 7 of this act."
Amend the title of the bill to read as follows:
"AN ACT relating to homeland security; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the State and political subdivisions to submit reports to the Commission regarding any money received from other governmental entities for programs or projects related to acts of terrorism; requiring the State and each political subdivision to adopt any national system for preventing and responding to acts of terrorism mandated by the United States Department of Homeland Security as a condition to the receipt of federal money; revising provisions relating to the
membership and committees of the Commission; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Makes various changes relating to homeland security. (BDR 19-611)"

Senator Nolan moved the adoption of the amendment.
Remarks by Senators Nolan, Titus, Care, Heck and Raggio.
Amendment adopted.
Senator Raggio moved that Senate Bill No. 380 be rereferred to the Committee on Finance upon return from reprint.
Remarks by Senator Raggio.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 384.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 593.
Amend the bill as a whole by renumbering sec. 10 as sec. 11 and adding a new section designated sec. 10, following sec. 9, to read as follows:
"Sec. 10. NRS 484.579 is hereby amended to read as follows:
484.579 1. It is unlawful to operate or display a flashing amber warning light on a vehicle except when an unusual traffic hazard exists or as authorized in NRS 484.582. This subsection does not prohibit the use of amber lights in electric signals for making turns.
2. It is unlawful for any person to mount flashing amber warning lights permanently on a vehicle without a permit from the Nevada Highway Patrol.
3. The Nevada Highway Patrol, upon written application, shall issue a permit to mount a flashing amber light on:
(a) Vehicles of public utilities.
(b) Trucks for towing vehicles.
(c) Vehicles engaged in activities which create a public hazard upon the streets or highways.
(d) Vehicles of coroners and their deputies.
(e) Vehicles of Civil Air Patrol rescue units.
(f) Vehicles of authorized sheriffs’ jeep squadrons.
(g) Vehicles which escort funeral processions.
(h) Vehicles operated by vendors of food or beverages, as provided in NRS 484.582.
4. Those permits expire on June 30 of each calendar year.
5. The Nevada Highway Patrol shall charge and collect the following fees for the issuance of a permit for the mounting of a flashing amber light:
(a) Permit for a single vehicle ....................................................... $2
(b) Blanket permit for more than 5 but less than 15 vehicles .......... 12
6. Subsections 1 and 2 do not apply to an agency of any state or political subdivision thereof, or to an agency of the Federal Government.

7. All fees collected by the Nevada Highway Patrol pursuant to this section must be deposited with the State Treasurer for credit to the [Motor Vehicle] State Highway Fund.

Amend the title of the bill, fourth line, after "officers;" by inserting: "requiring that certain fees be deposited for credit to the State Highway Fund instead of the Motor Vehicle Fund;".

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 442.

Amend sec. 9, page 5, by deleting lines 37 and 38 and inserting: "the Department and the Department of Motor Vehicles, and public libraries in each county of this".

Amend sec. 11, page 6, by deleting lines 4 through 12 and inserting:

360.765 1. ["Business" includes:

(a) A corporation, partnership, proprietorship, limited liability company, business association, joint venture, limited liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other person that conducts an activity. Except as otherwise provided in subsection 2, "business" means:

(a) Any person, except a natural person, that performs a service or engages in a trade for profit; [and

(b) The activities of a]

(b) Any natural person [which are deemed to be a business pursuant to NRS 360.785.] who performs a service or engages in a trade for profit if the".

Amend sec. 11, page 6, by deleting line 18 and inserting: "From Farming Form, or its equivalent or successor form, for that activity.".

Amend sec. 11, page 6, by deleting lines 29 through 32 and inserting:

(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.

(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020."

Amend the bill as a whole by renumbering sec. 18 as sec. 20 and adding new sections designated sections 18 and 19, following sec. 17, to read as follows:
"Sec. 18. Chapter 363A of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 20 of this act.

Sec. 19. "Business activity" means the performance of a service or engagement in a trade for profit."

Amend sec. 18, page 11, by deleting lines 16 through 18 and inserting:

"Sec. 19. Except as otherwise provided in subsection 2, an employer"

Amend sec. 18, page 12, by deleting lines 10 through 16 and inserting:

"3. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose."

Amend the bill as a whole by renumbering sections 19 and 20 as sections 24 and 25 and adding new sections designated sections 21 through 23, following sec. 18, to read as follows:

"Sec. 21. NRS 363A.010 is hereby amended to read as follows:

363A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 363A.020 to 363A.060, inclusive, and section 19 of this act have the meanings ascribed to them in those sections.

Sec. 22. NRS 363A.030 is hereby amended to read as follows:

363A.030 "Employer" means any financial institution who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the financial institution, except an Indian tribe, a nonprofit organization or a political subdivision. For the purposes of this section:

1. "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

2. "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

3. "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 23. NRS 363A.050 is hereby amended to read as follows:

363A.050 1. Except as otherwise provided in subsection 2, "financial institution" means:

(a) An institution licensed, registered or otherwise authorized to do business in this State pursuant to the provisions of chapter 604, 645B, 645E or 649 of NRS or title 55 or 56 of NRS, or a similar institution chartered or licensed pursuant to federal law and doing business in this State;

(b) Any person primarily engaged in:

(1) The purchase, sale and brokerage of securities;
(2) Originating, underwriting and distributing issues of securities;
(3) Buying and selling commodity contracts on either a spot or future basis for the person’s own account or for the account of others, if the person is a member or is associated with a member of a recognized commodity exchange;
(4) Furnishing space and other facilities to members for the purpose of buying, selling or otherwise trading in stocks, stock options, bonds or commodity contracts;
(5) Furnishing investment information and advice to others concerning securities on a contract or fee basis;
(6) Furnishing services to holders of or brokers or dealers in securities or commodities;
(7) Holding or owning the securities of banks for the sole purpose of exercising some degree of control over the activities of the banks whose securities the person holds;
(8) Holding or owning securities of companies other than banks, for the sole purpose of exercising some degree of control over the activities of the companies whose securities the person holds;
(9) Issuing shares, other than unit investment trusts and face-amount certificate companies, whose shares contain a provision requiring redemption by the company upon request of the holder of the security;
(10) Issuing shares, other than unit investment trusts and face-amount certificate companies, whose shares contain no provision requiring redemption by the company upon request by the holder of the security;
(11) Issuing unit investment trusts or face-amount certificates;
(12) The management of the money of trusts and foundations organized for religious, educational, charitable or nonprofit research purposes;
(13) The management of the money of trusts and foundations organized for purposes other than religious, educational, charitable or nonprofit research;
(14) Investing in oil and gas royalties or leases, or fractional interests therein;
(15) Owning or leasing franchises, patents and copyrights which the person in turn licenses others to use;
(16) Closed-end investments in real estate or related mortgage assets operating in such a manner as to meet the requirements of the Real Estate Investment Trust Act of 1960, as amended;
(17) Investing; or
(18) Any combination of the activities described in this paragraph, who is conducting a business activity in this State;
securities or commodities, finance company, dealer in commercial paper or other business entity engaged in the business of lending money, providing credit, securitizing receivables or fleet leasing, or any related business entity, conducting a business activity in this State.

2. The term does not include a credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act.

Amend sec. 20, page 14, line 10, by deleting "employment." and inserting: "employment in connection with the business activities of the employer.".

Amend the bill as a whole by renumbering sec. 21 as sec. 28 and adding new sections designated sections 26 and 27, following sec. 20, to read as follows:

"Sec. 26. Chapter 363B of NRS is hereby amended by adding thereto the provisions set forth as sections 27 and 28 of this act.

Sec. 27. "Business activity" means the performance of a service or engagement in a trade for profit.

Amend sec. 21, page 15, by deleting lines 25 through 27 and inserting: "Sec. 28. 1. Except as otherwise provided in subsection 2, an employer".

Amend sec. 21, page 16, by deleting lines 18 through 24 and inserting: "3. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose."

Amend the bill as a whole by renumbering sections 22 through 38 as sections 31 through 47 and adding new sections designated sections 29 and 30, following sec. 21, to read as follows:

"Sec. 29. NRS 363B.010 is hereby amended to read as follows:

363B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 363B.020 to 363B.050, inclusive, and section 27 of this act have the meanings ascribed to them in those sections.

Sec. 30. NRS 363B.030 is hereby amended to read as follows:

363B.030 "Employer" means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the employer, except a financial institution, an Indian tribe, a nonprofit organization or a political subdivision. For the purposes of this section:

1. "Financial institution" has the meaning ascribed to it in NRS 363A.050.
2. "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.
3. "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

4. "Political subdivision" means any entity described in subsection 9 of NRS 612.055."

Amend sec. 23, page 17, line 32, by deleting "employment." and inserting: "employment in connection with the business activities of the employer.".

Amend sec. 25, page 19, line 9, by deleting "24" and inserting "33".

Amend sec. 29, page 22, between lines 23 and 24, by inserting:

"(l) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and
(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.".

Amend sec. 36, page 26, by deleting line 34 and inserting:

"Sec. 45. NRS 360.770, 360.785 and 368A.210 are hereby repealed.".

Amend sec. 37, page 26, by deleting lines 35 through 39 and inserting:

"Sec. 46. Any regulations adopted by the State Gaming Control Board pursuant to NRS 368A.140 or 368A.160 before July 1, 2005:

1. Remain in effect as if adopted by the Nevada Gaming Commission in accordance with the provisions of this act; and

2. May be amended or repealed by the Nevada Gaming Commission in accordance with the provisions of this act.".

Amendment adopted.

Senator Tiffany moved the adoption of the amendment.

Remarks by Senators Tiffany, Titus, Townsend, Horsford and Coffin.

Amendment adopted.

Senator Raggio moved that Senate Bill No. 392 be rereferred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 397.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 513.

Amend section 1, page 1, line 2, by deleting "8," and inserting "9,"

Amend sec. 3, page 2, line 8, by deleting "an unpaved" and inserting "any".
Amend sec. 5, page 3, lines 4, 7 and 13, by deleting "unpaved".
Amend sec. 7, page 3, line 41, by deleting "place" and inserting: "place, except private property without lawful authority.".
Amend the bill as a whole by renumbering sections 9 through 21 as sections 10 through 22 and adding a new section designated sec. 9, following sec. 8, to read as follows:
"Sec. 9. 1. If a person who does not hold:
(a) A license, tag or permit issued by the Department to engage in any activity authorized or regulated by this title or by a regulation adopted pursuant thereto; or
(b) A certificate of number issued by the Department,
violates a written promise to appear pursuant to a citation that was prepared manually or electronically for a violation of a provision of this title, chapter 488 of NRS or any regulation adopted pursuant thereto, the clerk of the court shall immediately notify the Department on a form approved by the Department.
2. Such a person may not apply to the Department for a license, tag, permit or certificate of number until the Department receives notice from the court that the person has appeared or that the case has been otherwise disposed of as provided by law.".
Amend sec. 10, page 6, by deleting lines 19 and 20 and inserting: "recover the property.".
Amend sec. 11, page 6, line 35, after "While" by inserting "lawfully".
Amend sec. 11, page 6, line 43, after "misdemeanor." by inserting: "An officer, employee or agent of the Department may not obtain or attempt to obtain biological samples of wildlife, hunting, fishing or trapping data, or any other biological data or information relating to wildlife on private property without the consent of the owner of the property.".
Amend sec. 16, page 9, line 26, after "property" by inserting "[and]".
Amend sec. 16, page 9, line 28, by deleting "and" and inserting "or".
Amend sec. 21, page 13, line 39, by deleting "18," and inserting "19,"
Amend sec. 21, page 13, line 40, by deleting "20" and inserting "21"
Amend sec. 21, page 13, line 41, by deleting "18" and inserting "19"
Amend sec. 21, page 14, line 7, by deleting "19" and inserting "20"
Senator Rhoads moved the adoption of the amendment.
Remarks by Senator Rhoads.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 420.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 465.
Amend section 1, pages 1 and 2, by deleting lines 2 through 13 on page 1 and lines 1 through 25 of page 2, and inserting:

"Section 1. NRS 241.030 is hereby amended to read as follows:
241.030 1. Except as otherwise provided in NRS 241.031 and 241.033, nothing contained in this chapter prevents a public body [from holding] may hold a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.
2. Except as otherwise provided in this subsection and NRS 241.031, the Drug Use Review Board may hold a closed meeting to consider, deliberate regarding, discuss or take action in connection with the retrospective drug use review required pursuant to 42 U.S.C. § 1396r-8(g)(2)(B). The provisions of this subsection do not authorize the Drug Use Review Board to hold a closed meeting to develop or review a proposed policy or regulation. Except as otherwise provided in paragraph (b) of subsection 2 of NRS 241.035, all information and materials received or prepared by the Board during a meeting closed pursuant to this subsection and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public. The provisions of NRS 241.033 do not apply to meetings closed pursuant to this subsection. As used in this subsection, "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.
3. A public body may close a meeting pursuant to this section upon a motion which specifies the nature of the business to be considered.
4. This chapter does not:
   (a) Apply to judicial proceedings.
   (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.
   (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness.
   (d) Require that any meeting be closed to the public.
   (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.
5. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers. The provisions of this subsection do not prohibit the closure of a meeting in the manner and for the purposes set forth in subsection 2."

Amend sec. 3, page 3, by deleting lines 35 through 38 and inserting:

"(b) Subsection 2 of NRS 241.030 do not become public records at any time and, except as otherwise provided in this paragraph, a physician, pharmacist or person receiving benefits who is discussed during a meeting closed pursuant to that subsection is not entitled to a copy of the minutes. If the Drug Use Review Board conducts an educational intervention with
respect to a physician or pharmacist during a meeting closed pursuant to subsection 2 of NRS 241.030, the physician or pharmacist, as applicable, who is the subject of the educational intervention is entitled to a copy of that portion of the minutes which applies specifically to his educational intervention. As used in this paragraph:

(1) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(2) "Educational intervention" means an educational intervention referred to in 42 U.S.C. § 1396r-8(g)(3)(C)(iii)(III)."

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. NRS 422.406 is hereby amended to read as follows:

422.406 1. The Department may, to carry out its duties set forth in NRS 422.401 to 422.406, inclusive, and to administer the provisions of NRS 422.401 to 422.406, inclusive:

(a) Adopt regulations; and
(b) Enter into contracts for any services.

2. The Department shall adopt regulations setting forth that:

(a) If the Drug Use Review Board proposes to refer a case or issue concerning a physician for review by an entity other than the Department, the referral must be based on the recommendation of a subcommittee of the Drug Use Review Board composed entirely of physicians.

(b) If the Drug Use Review Board proposes to refer a case or issue concerning a pharmacist for review by an entity other than the Department, the referral must be based on the recommendation of a subcommittee of the Drug Use Review Board composed entirely of pharmacists.

3. Any regulations adopted by the Department pursuant to NRS 422.401 to 422.406, inclusive, must be adopted in accordance with the provisions of chapter 241 of NRS.

Sec. 5. The amendatory provisions of this act do not apply to the extent that those provisions:

1. Are preempted or prohibited by federal law;

2. Violate a condition to the receipt of federal money by this State, an agency of this State or a political subdivision of this State; or

3. As determined by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, violate a requirement related to the State Plan for Medicaid established pursuant to NRS 422.271."

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "materials relating to such closed meetings are, with certain exceptions, confidential; and providing other matters properly relating".

Senator Washington moved the adoption of the amendment.
Remarks by Senators Washington, Care and Heck.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.
MOTIONS, RESOLUTIONS AND NOTICES

Senator Hardy moved that the action whereby Amendment No. 435 to Senate Bill No. 153 was adopted be rescinded.
Remarks by Senator Hardy.
Motion carried.

Senator Hardy moved that Senate Bill No. 153 be placed on the Second Reading File for the next legislative day.
Remarks by Senator Hardy.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 430.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 612.
Amend the bill as a whole by deleting sections 1 through 5 and renumbering sec. 6 as section 1.
Amend sec. 6, page 5, by deleting lines 15 through 30 and inserting:
"5. If the Commission finds that:
(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.
(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.
(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.
6. An action taken by a public officer or employee or former"
Amend sec. 6, page 5, line 42, by deleting "7." and inserting: "[7.] 6."
Amend sec. 6, page 6, by deleting line 3 and inserting:
"[8.] 7. NRS 281.481 to 281.541, inclusive,"
Amend sec. 6, page 6, line 13, by deleting "9." and inserting: "[9.] 8."
Amend sec. 6, page 6, line 15, by deleting "10." and inserting: "[10.] 9."
Amend the bill as a whole by deleting sections 7 through 14 and the text of the repealed section.
Amend the title of the bill to read as follows:
"AN ACT relating to ethics in government; eliminating the authority of the Commission on Ethics to seek the removal of a public officer; and providing other matters properly relating thereto."
Amend the summary of the bill to read as follows:
"SUMMARY—Eliminates authority of Commission on Ethics to seek removal of public officer. (BDR 23-918)."
Senator Cegavske moved the adoption of the amendment.
Remarks by Senators Cegavske, Care and Beers.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 431.
Bill read second time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 209.
Amend sec. 8, page 3, line 31, by deleting "$500" and inserting "$200".
Amend sec. 8, page 3, line 38, by deleting "$500" and inserting "$400".
Amend sec. 17, page 12, line 11, by deleting "this title;" and inserting:
"chapters 657 to 668, inclusive, of NRS;".
Amend sec. 17, page 12, line 13, by deleting "this title" and inserting:
"chapters 657 to 668, inclusive, of NRS".
Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:
"Sec. 17.5. Chapter 669 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 18.5 of this act."
Amend sec. 18, page 12, by deleting lines 17 through 19 and inserting:
"Sec. 18. 1. If a trust company fails to submit any report required"
Amend the bill as a whole by adding a new section designated sec. 18.5, following sec. 18, to read as follows:
"Sec. 18.5. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 upon a person who:
1. Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or
2. Violates any provision of this chapter or any regulation adopted pursuant thereto."
Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:
"Sec. 21.5. Chapter 670 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 22.5 of this act."
Amend sec. 22, page 15, by deleting lines 8 through 10 and inserting:
"Sec. 22. 1. If a corporation fails to submit any report required"
Amend the bill as a whole by adding a new section designated sec. 22.5, following sec. 22, to read as follows:
"Sec. 22.5. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 upon a person who:
1. Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or
2. Violates any provision of this chapter or any regulation adopted pursuant thereto."

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:
"Sec. 25.5. Chapter 670A of NRS is hereby amended by adding thereto the provisions set forth as sections 26 and 26.5 of this act."

Amend sec. 26, page 16, by deleting lines 36 through 38 and inserting:
"Sec. 26. 1. If a corporation fails to submit any report required"

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:
"Sec. 26.5. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 upon a person who:
1. Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or
2. Violates any provision of this chapter or any regulation adopted pursuant thereto."

Amend the bill as a whole by adding a new section designated sec. 28.5, following sec. 28, to read as follows:
"Sec. 28.5. Chapter 671 of NRS is hereby amended by adding thereto the provisions set forth as sections 29 and 29.5 of this act."

Amend sec. 29, page 17, by deleting lines 29 through 31 and inserting:
"Sec. 29. 1. If a licensee fails to submit any report required pursuant to"

Amend the bill as a whole by adding a new section designated sec. 29.5, following sec. 29, to read as follows:
"Sec. 29.5. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 upon a person who:
1. Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or
2. Violates any provision of this chapter or any regulation adopted pursuant thereto."

Amend the bill as a whole by adding sections 37.1 through 37.8, following sec. 37, to read as follows:
"Sec. 37.1. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:
(a) Any licensee;
(b) Any other person engaged in the business described in subsection 1 of NRS 604.090 or participating in such business as principal, agent, broker or otherwise; and

(c) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to offer or provide a check-cashing or deferred deposit service or a check-cashing machine or kiosk is presumed to be engaged in the business described in subsection 1 of NRS 604.090.

Sec. 37.2. 1. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any loan, transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.

2. The Commissioner may require the production of books, accounts, papers and records for any audit, examination, investigation or hearing.

Sec. 37.3. If the Commissioner finds that probable cause for revocation of any license exists and that enforcement of the provisions of this chapter requires immediate suspension of a license pending investigation, he may, upon 5 days’ written notice and a hearing, enter an order suspending a license for a period not exceeding 20 days, pending a hearing upon the revocation.

Sec. 37.4. A licensee may surrender any license issued pursuant to the provisions of this chapter by delivering it to the Commissioner with written notice of its surrender, but a surrender does not affect his civil or criminal liability for acts committed prior thereto.

Sec. 37.5. 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining
thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business. A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 37.6. 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he shall give 20 days’ written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:
   (a) Enter a written order either dismissing the charges, revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.
   (b) Impose upon the licensee a fine of $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.
   (c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his investigative costs and attorney’s fees.

3. The grounds for revocation or suspension of a license are that:
   (a) The licensee has failed to pay the annual license fee;
   (b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;
   (c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;
   (d) Any fact or condition exists which would have justified the Commissioner in denying the licensee’s original application for a license pursuant to the provisions of this chapter; or
   (e) The licensee failed to open an office for the conduct of the business authorized by his license within 120 days after the date his license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 37.7. A revocation, suspension, expiration or surrender of any license does not impair or affect the obligation of any preexisting lawful loan agreement between the licensee and any customer. Such a loan agreement
and all lawful charges thereon may be collected by the licensee, its successors or assigns.

Sec. 37.8. Any person and the several members, officers, directors, agents and employees thereof who violate or participate in the violation of any provision of subsection 1 of NRS 604.090 are guilty of a misdemeanor."

Amend sec. 40, page 22, by deleting lines 35 through 40 and inserting: "than $10,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter."

Amend sec. 43, page 24, line 14, by deleting "registration" and inserting "licensing."

Amend sec. 44, page 24, by deleting lines 31 through 39 and inserting: "[each application for registration must be accompanied by] before an applicant may be issued a license, the applicant shall deposit a surety bond payable to the State of Nevada in the amount of $50,000 plus an additional $5,000 for each branch location at which the applicant proposes to do business. Each licensee shall maintain the surety bond so that the amount of the surety bond is $50,000 plus an additional $5,000 for each branch location at which the licensee does business. The surety bond required by this section is for the use and benefit of any customer receiving the registrant's check-cashing or deferred deposit service."

Amend sec. 47, page 26, line 28, by deleting "$500" and inserting "$100".

Amend the bill as a whole by adding a new section designated sec. 52, following sec. 52, to read as follows:

"Sec. 52. NRS 604.170 is hereby amended to read as follows:
604.170 1. The Commissioner may establish by regulation:
(a) The fees that may be imposed by a check-cashing service for cashing checks;
(b) The penalties that may be imposed by the Commissioner for a violation of the provisions of this chapter or the regulations adopted pursuant thereto."

2. The Commissioner shall adopt such other regulations as are necessary to carry out the provisions of this chapter."

Amend sec. 55, page 29, line 18, by deleting: "56, 57 and 58" and inserting: "56 to 58, inclusive."

Amend the bill as a whole by adding a new section designated sec. 56, following sec. 56, to read as follows:

"Sec. 56. 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.
2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:
(a) Must hold a license or permit to do business as a collection agency in another state;
(b) Must meet the qualifications to do business as a collection agency in this State;
(c) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;
(d) Must submit proof to the Commissioner, upon application and upon each annual renewal of the certification of registration, that the person and his employees and agents will not, in this State:
   (1) Engage in the business of soliciting the right to collect or receive payment for another of any claim; or
   (2) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;
(e) When collecting claims against debtors who are present in this State, must:
   (1) Limit his activities and those of his employees and agents to interstate communications by telephone, mail or facsimile; and
   (2) Comply with the requirements of NRS 649.305 to 649.375, inclusive, with regard to his activities and those of his employees and agents;
(f) Must pay:
   (1) A fee to apply for a certificate of registration of not less than $200 and not more than $600, prorated on the basis of the registration year as determined by the Commissioner; and
   (2) An annual renewal fee of not more than $200;
(g) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;
(h) Must maintain his accounts, books and records in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and
(i) Must pay any fees related to any examination of his accounts, books and records conducted by the Commissioner pursuant to subsection 3.
3. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.
4. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.
5. The Commissioner shall adopt:
   (a) Regulations establishing the amount of the fees required pursuant to this section; and
(b) Any other regulations as may be necessary to carry out the provisions of this section.

Amend the bill as a whole by adding a new section designated sec. 59.5, following sec. 59, to read as follows:

"Sec. 59.5. NRS 649.075 is hereby amended to read as follows:

649.075  1. Except as otherwise provided in this section, a person shall not conduct within this State a collection agency or engage within this State in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license from the Commissioner.

2. A person is not required to obtain a license if:

   (a) The collection agency he works for is located outside of this State;

   (b) His activities in this State are limited to the collection of claims from residents of this State on behalf of residents of another state; and

   (c) His contact with persons in this State is limited to interstate communications by telephone, mail or facsimile.

3. A person is not required to obtain a license if the person holds a certificate of registration as a foreign collection agency issued by the Commissioner pursuant to section 56.5 of this act.

Amend sec. 66, page 35, line 22, by deleting "$250" and inserting: "$250 not more than $500".

Amend sec. 80, page 46, by deleting lines 8 through 10 and inserting: "not more than $10,000 upon a person who:

   (a) Without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter; or

   (b) Violates any provision of this chapter or any regulation adopted pursuant thereto.

Amend sec. 87, page 48, line 21, after the semicolon, by inserting "and".

Amend sec. 87, page 48, by deleting lines 24 through 28 and inserting: "the Commissioner. [... must be paid at the time of making the application.]

Amend sec. 88, page 48, by deleting lines 37 and 38 and inserting: "license held by him. The Commissioner may reinstate an expired".

Senator Townsend moved the adoption of the amendment.

Remarks by Senators Townsend and Care.

Senator Coffin disclosed his wife is a director and shareholder at a bank.

Senator Townsend disclosed that he and his wife are shareholders and he sits on a bank board.

Senator Mathews disclosed her interest in banking institutions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.
Senate Bill No. 452.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 292.
Amend section 1, page 2, by deleting lines 6 through 13 and inserting:
"2. The Advisory Committee consists of:
(a) The Director of the Department or his designee;
(b) One member who is a representative of a police department in a city whose population is 100,000 or more, appointed by the Director of the Department;
(c) One member who is a representative of a sheriff’s office of a county whose population is 100,000 or more, appointed by the Director of the Department;
(d) One member who is a representative of a law enforcement agency which serves a county whose population is less than 100,000 or city whose population is less than 100,000, appointed by the Director of the Department;
(e) One member who is a representative of a justice’s court or municipal court, appointed by the Director of the Department;
(f) One member of the Senate appointed by the Majority Leader of the Senate; and
(g) One member of the Assembly appointed by the Speaker of the Assembly."
Amend section 1, page 2, line 14, by deleting "4." and inserting "3."
Amend section 1, page 2, by deleting lines 21 through 25 and inserting:
"4. Each member of the Advisory Committee, except for the Director of the Department or his designee, shall serve a term of 3 years. Any vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment."
Amend section 1, page 2, line 26, by deleting "6." and inserting "5."
Amend section 1, page 2, line 27, by deleting "7." and inserting "6."
Amend section 1, page 2, line 30, by deleting "8." and inserting "7."
Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:
"Sec. 3. NRS 179A.078 is hereby amended to read as follows:
179A.078 [1.] The Director of the Department shall establish within the Central Repository a Uniform Program for Reporting Crimes that is designed to collect statistical data relating to crime or delinquency of children and to facilitate the collection and analysis of statistical data relating to crime at a central location.
[2] To assist in establishing and carrying out the Program required by subsection 1, the Director shall establish an Advisory Committee consisting of eight members selected by the Director. The Committee must be composed of:
(a) One member who represents an association of district judges in this State;
(b) One member who represents an association of justices of the peace and judges of municipal courts in this State;
(c) One member who represents an association of district attorneys in this State;
(d) One member who represents a law enforcement agency located in a county whose population is less than 400,000;
(e) One member who represents a law enforcement agency located in a county whose population is 400,000 or more;
(f) One member who represents the Nevada Highway Patrol;
(g) One member who represents the University and Community College System of Nevada and has knowledge of the criminal justice system, and
(h) One member who represents the Office of Court Administrator.
3. The members of the Advisory Committee are not entitled to receive compensation while engaged in the business of the Advisory Committee.
4. A member who is selected to fill a vacancy must possess the same general qualifications as his predecessor in office.

Amend the bill as a whole by deleting the text of the repealed section. Amend the title of the bill, sixth line, by deleting "repealing" and inserting: "removing the requirement for".

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. 461.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:
Amendment No. 626.
Amend the bill as a whole by renumbering sections 1 through 3 as sections 11 through 13 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:
"Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9, inclusive, of this act.
Sec. 2. 1. The Legislature declares that the primary consideration of the Legislature when enacting legislation regarding the appropriate instruction of profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion of intellectual, literary and scientific improvements to the system of public instruction in a manner that will best serve the interests of all pupils, including profoundly gifted pupils.
2. The Legislature further declares that there are pupils enrolled in the public middle schools, junior high schools and high schools in this State who
are so profoundly gifted that their educational needs are not being met by the schools in which they are enrolled, and by participating in an accelerated program of education, these pupils may obtain early admission to university studies. These accelerated programs should be designed to address the different and distinct learning styles and needs of these profoundly gifted pupils.

3. It is the intent of the Legislature that participation in such accelerated programs of education for profoundly gifted pupils is open to all qualified applicants, regardless of race, culture, ethnicity or economic means, and that specific criteria for admission into those programs be designed to determine the potential for success of an applicant and that there be a means of monitoring and reviewing the success of the program.

4. It is further the intent of the Legislature to support and encourage the ongoing development of innovative educational programs and tools to improve the educational opportunities of profoundly gifted pupils, regardless of race, culture, ethnicity or economic means and to increase the educational opportunities of pupils who are identified as profoundly gifted, gifted and talented, having special educational needs or being at risk for underachievement.

Sec. 3. As used in this chapter, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 4. "Profoundly gifted pupil" means a person who is under the age of 18 years whose intelligence quotient as determined by an individual administration of the Weschsler or Stanford-Binet Series tests is at or above the 99th percentile and who cannot progress effectively in a regular school program but requires special accelerated instruction and support services.

Sec. 5. "University school for profoundly gifted pupils" means a school that:

1. Is located on the campus of a university within the University and Community College System of Nevada;
2. Is operated through a written agreement with the university;
3. Is operated by or is itself a nonprofit corporation that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3);
4. Demonstrates at least 5 years of successful experience providing educational services to profoundly gifted youth;
5. Provides a full-time alternative program of education for profoundly gifted pupils; and
6. Does not charge tuition to pupils enrolled in the school.

Sec. 6. 1. Except as otherwise provided by specific statute, and with respect to immunity, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils.

2. The employees of a university school for profoundly gifted pupils shall be deemed public employees.
Sec. 7. A university school for profoundly gifted pupils that receives allocations of money from the State Distributive School Account shall comply with all applicable federal laws to prevent the loss of any federal money for education provided to the State of Nevada and the school districts in this State by the Federal Government.

Sec. 8. 1. The Superintendent of Public Instruction shall authorize any pupil who is admitted to a university school for profoundly gifted pupils to enroll in that school in lieu of enrolling in the middle school, junior high school or high school that the pupil is otherwise scheduled to attend.

2. The Superintendent of Public Instruction shall adopt regulations to carry out the provisions of this section.

Sec. 9. 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil’s potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils shall:
   (a) Submit to the governing body of the school:
       (1) A completed application;
       (2) Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he scored in the 99th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;
       (3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; and
       (4) A transcript from each school previously attended by the applicant.
   (b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination and the courses in American government and American history as required by NRS 389.020 and 389.030, or demonstrates by appropriate testing knowledge equal to the knowledge gained in those courses.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the President of the university where the university school is located a
A report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils. The Board of Regents of the University of Nevada shall include in its biennial report to the Legislature the reports submitted pursuant to this section.

Sec. 10. NRS 385.007 is hereby amended to read as follows:
385.007 As used in this title, unless the context otherwise requires:
1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.
2. "Department" means the Department of Education.
3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.
5. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.
6. "State Board" means the State Board of Education.
7. "University school for profoundly gifted pupil" has the meaning ascribed to it in section 5 of this act.

Amend the bill as a whole by deleting sec. 4, renumbering sec. 5 as sec. 24 and adding new sections designated sections 14 through 23, following sec. 3, to read as follows:

"Sec. 14. NRS 385.376 is hereby amended to read as follows:
385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:
(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.
(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school, including, without limitation, transferring oversight of the operation of the school to an existing charter school if that charter school’s written charter has been renewed at least once and that charter school makes adequate yearly progress.

Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, the Department may take corrective
as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361[4], including, without limitation, transferring oversight of the operation of the school to an existing charter school if that charter school’s written charter has been renewed at least once and that charter school makes adequate yearly progress.

2. The Department shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the Department may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

3. Before the Department proceeds with consequences or sanctions, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:
   (a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;
   (b) An opportunity to comment before the consequences or sanctions are carried out; and
   (c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 15. NRS 385.3761 is hereby amended to read as follows:

385.3761 1. If restructuring for a Title I school is required pursuant to 20 U.S.C. § 6316(b)(8), the board of trustees of the school district or the Department, as applicable, shall carry out a plan for restructuring that includes:
   (a) Replacing those employees at the school who contributed to the failure of the school to make adequate yearly progress;
   (b) Entering into a contract with an entity, including, without limitation, a private management company, with a demonstrated record of effectiveness to operate the public school;
   (c) If the board of trustees is responsible for restructuring, requesting that the Department oversee the operation of the public school;
   (d) If the Department is responsible for restructuring, designating the Department as responsible for overseeing the operation of the school; [or]
   (e) Transferring oversight of the operation of the school to an existing charter school if that charter school’s written charter has been renewed at least once and that charter school makes adequate yearly progress; or
   (f) Taking any other action to restructure the governance of the school if the action is designed to improve the academic achievement of pupils enrolled in the school and has substantial promise of ensuring that the school makes adequate yearly progress.
2. Before the board of trustees of a school district or the Department takes action pursuant to subsection 1, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and the parents and guardians of pupils enrolled in the school:

(a) Notice that a plan for restructuring will be carried out at the school; and

(b) An opportunity to comment on the appropriate action that should be carried out pursuant to subsection 1.

Sec. 16. NRS 386.350 is hereby amended to read as follows:

386.350 Each board of trustees is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the public schools, excluding charter schools and university schools for profoundly gifted pupils, are established and to promote the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.

Sec. 17. NRS 386.415 is hereby amended to read as follows:

386.415 1. The board of trustees of any school district may enter into an agreement with any individual, firm, partnership, corporation, association or public agency which has been approved for such purpose by the Aging Services Division of the Department of Human Resources, whereby the school district agrees to prepare hot lunches for persons 60 years of age or older and their spouses or any group of such persons by utilizing the systems and procedures already developed for use in the school lunch program of such district.

2. No agreement entered into by a board of trustees of a school district pursuant to the provisions of this section may:

(a) Involve the expenditure by the school district of any school lunch money or other money for the system of public education or the use of any school lunch commodities or public school personnel, equipment or facilities unless the agreement includes a provision requiring full reimbursement therefor.

(b) Provide for payment to the school district of any amount in excess of the estimated actual cost of food, personnel, equipment, facilities and other necessary expenditures involved in the performance of the agreement. The estimated actual cost must be negotiated by the board of trustees and the Aging Services Division of the Department of Human Resources.

(c) Permit any program of hot lunches for persons 60 years of age or over and their spouses to interfere in any way with the use of school lunch facilities for public school purposes.

Sec. 18. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:
1. Except as otherwise provided in NRS 385.376 and 385.3761, the conversion of an existing public school, home school or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude a private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 19. NRS 386.506 is hereby amended to read as follows:

386.506 Except as otherwise provided in NRS 385.376 and 385.3761, the provisions of NRS 386.500 to 386.610, inclusive, do not authorize an existing public school, home school or other program of home study to convert to a charter school.

Sec. 20. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The parent or legal guardian of a pupil who is enrolled in a public school in this State and:
   (a) For whom an individualized education program has been established; or
   (b) Who has been evaluated by a psychologist or psychiatrist licensed to practice in this State, and has been determined to have at least average cognitive abilities, but who needs a small, specialized educational setting in order to succeed,

   may request a scholarship pursuant to this section for the pupil to enroll in and attend a private school if the parent or guardian is dissatisfied with the educational progress that the pupil is making.

2. A pupil is eligible for a scholarship pursuant to this section if:
   (a) Except as otherwise provided in subsection 5, the pupil was enrolled in, and included in the count of pupils for apportionment purposes for, a public school in this State during the previous school year;
   (b) A private school which is located in this State and eligible to accept the scholarship has accepted the pupil for admission; and
   (c) The parent or legal guardian of the pupil notifies the Department, in the manner required by the Department, of his request for a scholarship before the pupil enters the private school.

3. The amount of a scholarship provided to a pupil pursuant to this section is equal to:
   (a) The sum of the basic support plus the amount of local funds available pursuant to NRS 387.1235 plus all other money the State would be required to pay for that pupil to be enrolled in the public school the pupil is otherwise required to attend; or
   (b) The amount of the tuition and fees of the private school, whichever is less.
4. If the Department determines that a pupil is eligible to receive a scholarship, the Department shall provide notification of its determination to the parent or legal guardian of the pupil and the private school in which the pupil will be enrolled. Scholarships must be disbursed quarterly on August 1, November 1, February 1 and May 1. Payment of a scholarship must be made by individual warrant made payable to the parent or legal guardian of the pupil receiving the scholarship and mailed to the private school in which the pupil will be or is enrolled. The parent or legal guardian shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

5. A pupil may continue to receive the scholarship provided by this section as long as the pupil is enrolled in good standing in the private school. Before renewing a scholarship to the pupil for any subsequent school year, the Department may require the private school or the parent or legal guardian of the pupil to provide such documentation as deemed necessary by the Department demonstrating that the pupil has been enrolled in good standing in the private school during the previous school year. A scholarship is forfeited if a pupil or his parent or legal guardian fails to comply with this subsection.

6. Notwithstanding any provision of this title to the contrary, the election of a private school to accept scholarship money pursuant to this section, and the acceptance of such scholarship money, does not expand the regulatory authority of the Department over the private school beyond that authority necessary to carry out the provisions of this section.

7. There is no liability on the part of, and no cause of action of any nature arises against, the State of Nevada or any state employee based on the award or use of a scholarship pursuant to this section.

8. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

9. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 21. NRS 387.040 is hereby amended to read as follows:

387.040 1. Except as otherwise provided in subsection 2 and NRS 387.528, the State Treasurer shall pay over all money for the system of public education received by him for the support of school districts only on warrants of the State Controller issued upon the orders of the Superintendent of Public Instruction in favor of county treasurers. When endorsed, the orders are valid vouchers in the hands of the State Controller for the disbursement of money for the system of public education.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, the State Treasurer shall pay over to the school district all money for the system of public education due the school district.
3. The State Treasurer shall pay over all money for the system of public education received by him for the support of charter schools and university schools for profoundly gifted pupils only on warrants of the State Controller issued upon the orders of the Superintendent of Public Instruction in favor of the charter schools or university schools for profoundly gifted pupils. When endorsed, the orders are valid vouchers in the hands of the State Controller for the disbursement of money for the system of public education.

Sec. 22. NRS 387.045 is hereby amended to read as follows:

387.045 1. Except as otherwise provided in section 20 of this act, no portion of the money for the system of public education or of the money specially appropriated for the purpose of public schools shall be devoted to any other object or purpose.

2. No portion of the money for the system of public education may in any way be segregated, divided or set apart for the direct use or benefit of any sectarian or secular society or association.

Sec. 23. NRS 387.047 is hereby amended to read as follows:

387.047 1. Except as otherwise provided in this section, each school district, charter school and university school for profoundly gifted pupils shall separately account for all money received for the instruction of and the provision of related services to pupils with disabilities, gifted and talented pupils described by NRS 388.520 and profoundly gifted pupils, as that term is defined in section 4 of this act.

2. The separate accounting must include:

(a) The amount of money provided to the school district, charter school or university school for profoundly gifted pupils for special education for basic support;

(b) Transfers of money from the general fund of the school district, charter school or university school for profoundly gifted pupils needed to balance the special revenue fund; and

(c) The cost of:

(1) Instruction provided by licensed special education teachers and supporting staff;

(2) Related services, including, but not limited to, services provided by psychologists, therapists and health-related personnel;

(3) Transportation of the pupils with disabilities, gifted and talented pupils and profoundly gifted pupils to and from school;

(4) The direct supervision of educational and supporting programs; and

(5) The supplies and equipment needed for providing special education.

3. Money received from federal sources must be:

(a) Accounted for separately; and

(b) Excluded from the accounting required pursuant to this section.

Amend the bill as a whole by deleting sections 6 through 17, renumbering sec. 18 as sec. 51 and adding new sections designated sections 25 through 50, following sec. 5, to read as follows:
"Sec. 25. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts, [and] the charter schools and the university schools for profoundly gifted pupils of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State, [and] any governing body of any charter school and any governing body of a university school for profoundly gifted pupils in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 26. NRS 387.080 is hereby amended to read as follows:

387.080 1. The State Board may enter into agreements with any agency of the Federal Government, any board of trustees of a school district, any governing body of a charter school, any governing body of a university school for profoundly gifted pupils or any other entity or person. The State Board may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction pursuant to regulations or policies of the State Board.

3. The Superintendent of Public Instruction may:

   (a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.
   (b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 27. NRS 387.090 is hereby amended to read as follows:

387.090 The board of trustees of each school district, [and] the governing body of each charter school and the governing body of each university school for profoundly gifted pupils may:
1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.
2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, gifts, donations and other money received from the sale of food under those programs.
3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.
4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 28. NRS 387.121 is hereby amended to read as follows:

387.121  The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which the system of public education is maintained. Therefore the quintessence of the State’s financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school, a university school for profoundly gifted pupils, or who receive a scholarship pursuant to section 20 of this act. This formula is designated the Nevada Plan.

Sec. 29. NRS 387.1211 is hereby amended to read as follows:

387.1211  As used in NRS 387.121 to 387.126, inclusive:
1. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.
2. "Enrollment" means the count of pupils who:
   (a) Are enrolled in and scheduled to attend programs of instruction of a school district;
   (b) Receive a scholarship pursuant to section 20 of this act and are enrolled in and scheduled to attend programs of instruction of a private school pursuant to that section;
   (c) Are enrolled in and scheduled to attend programs of instruction of a charter school; or
   (d) Are enrolled in and scheduled to attend programs of instruction of a university school for profoundly gifted pupils,
   at a specified time during the school year.
3. "Special education program unit" means an organized unit of special education and related services which includes full-time services of persons licensed by the Superintendent of Public Instruction or other appropriate...
licensing body, providing a program of instruction in accordance with
minimum standards prescribed by the State Board.

Sec. 30. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education
program unit maintained and operated during a period of less than 9 school
months is in the same proportion to the amount established by law for that
school year as the period during which the program unit actually was
maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be
reallocated to other school districts, charter schools or university schools
for profoundly gifted pupils by the Superintendent of Public Instruction. In
such a reallocation, first priority must be given to special education programs
with statewide implications, and second priority must be given to special
education programs maintained and operated within counties whose
allocation is less than or equal to the amount provided by law. If there are
more unused allocations than necessary to cover programs of first and second
priority but not enough to cover all remaining special education programs
eligible for payment from reallocations, then payment for the remaining
programs must be prorated. If there are more unused allocations than
necessary to cover programs of first priority but not enough to cover all
programs of second priority, then payment for programs of second priority
must be prorated. If unused allocations are not enough to cover all programs
of first priority, then payment for programs of first priority must be prorated.

3. A school district or a charter school may, after receiving the approval
of the Superintendent of Public Instruction, contract with any person, state
agency or legal entity to provide a special education program unit for pupils
of the district pursuant to NRS 388.440 to 388.520, inclusive.

Sec. 31. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all
pupils who are enrolled in programs of instruction of the school district,
including, without limitation, a program of distance education provided by
the school district, pupils who reside in the county in which the school
district is located and are enrolled in any charter school, including, without
limitation, a program of distance education provided by a charter school,
pupils who are enrolled in a university school for profoundly gifted pupils
and pupils who receive a scholarship pursuant to section 20 of this act, for:

(a) Pupils in the kindergarten department.
(b) Pupils in grades 1 to 12, inclusive.
(c) Pupils not included under paragraph (a) or (b) who are receiving
special education pursuant to the provisions of NRS 388.440 to 388.520,
inclusive.
(d) Pupils who reside in the county and are enrolled part time in a program
of distance education if an agreement is filed with the Superintendent of
Public Instruction pursuant to NRS 388.854 or 388.858, as applicable.
(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) Pupils who are enrolled in a university school for profoundly gifted pupils.

(j) Each pupil who was enrolled in a university school for profoundly gifted pupils who is enrolled, after completion of secondary education, in a university of the University and Community College System of Nevada full time until the end of the school year in which the pupil reaches 18 years of age.

(k) Pupils who are enrolled in a private school and receive a scholarship pursuant to section 20 of this act.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

- If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with
the applicable standard, he shall, with the approval of the State Board, reduce
the count of pupils for apportionment purposes by the percentage which the
number of pupils attending those classes is of the total number of pupils in
the district, and the State Board may direct him to withhold the quarterly
apportionment entirely.
4. The provisions of subsection 3 do not apply to a charter school, a program of distance education provided pursuant to NRS 388.820 to
388.874, inclusive, or a university school for profoundly gifted pupils.
Sec. 32. NRS 387.1233 is hereby amended to read as follows:
387.1233 1. Except as otherwise provided in subsection 2, basic
support of each school district must be computed by:
   (a) Multiplying the basic support guarantee per pupil established for that
school district for that school year by the sum of:
      (1) Six-tenths the count of pupils enrolled in the kindergarten
department on the last day of the first school month of the school district for
the school year, including, without limitation, the count of pupils who reside
in the county and are enrolled in any charter school on the last day of the first
school month of the school district for the school year.
      (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last
day of the first school month of the school district for the school year,
including, without limitation, the count of pupils who reside in the county
and are enrolled in any charter school, who are enrolled in a university
school for profoundly gifted pupils and any pupils who receive a scholarship
pursuant to section 20 of this act and are enrolled in a private school on the
last day of the first school month of the school district for the school year.
      (3) The count of pupils not included under subparagraph (1) or (2) who
are enrolled full time in a program of distance education provided by that
school district or a charter school located within that school district on the
last day of the first school month of the school district for the school year.
      (4) The count of pupils who reside in the county and are enrolled:
         (I) In a public school of the school district and are concurrently
enrolled part time in a program of distance education provided by another
school district or a charter school on the last day of the first school month of
the school district for the school year, expressed as a percentage of the total
time services are provided to those pupils per school day in proportion to the
total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).
         (II) In a charter school and are concurrently enrolled part time in a
program of distance education provided by a school district or another
charter school on the last day of the first school month of the school district
for the school year, expressed as a percentage of the total time services are
provided to those pupils per school day in proportion to the total time
services are provided during a school day to pupils who are counted pursuant
to subparagraph (2).
(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are enrolled in a university school for profoundly gifted pupils or receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 4 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(9) The count of each pupil who is enrolled in a university school for profoundly gifted pupils and who is enrolled, after completion of secondary education, in a university of the University and Community College System of Nevada full time until the end of the school year in which the pupil reaches 18 years of age.

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district, a charter school or a university school for profoundly gifted pupils that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district, a charter school or university school for profoundly gifted pupils on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the State Distributive School Account to that school district, a charter school or university school for profoundly gifted pupils pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing
basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

5. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 33. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school or university school for profoundly gifted pupils, all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school and the amount of money paid for scholarships to pupils who reside in the county, are enrolled in a private school and receive a scholarship pursuant to section 20 of this act. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school or university for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school or university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school or university school resides, the school district in which the pupil resides shall pay the difference directly to the charter school or university school, as applicable.
3. Except as otherwise provided in this subsection, the apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to:

(a) The sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides; or

(b) The statewide average per pupil amount for pupils who are enrolled full time, whichever is greater. If the calculation set forth in paragraph (a) is less than the calculation pursuant to paragraph (b), the school district in which the charter school is located shall pay the difference directly to the charter school. If a charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, the apportionment to the charter school for pupils who are enrolled in the program of distance education must be calculated as set forth in subsection 2 or 4, as applicable.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school or a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school or university school for profoundly gifted pupils, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school or university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

6. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 34. NRS 387.126 is hereby amended to read as follows:
The Superintendent of Public Instruction may in his discretion and shall when so directed by the State Board verify by independent audit or other suitable examination the reports of enrollment and daily attendance submitted by any school district, charter school or university school for profoundly gifted pupils for apportionment purposes.

Sec. 35. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, all school money due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the State Treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the money for the system of public education unless that school district has complied with the provisions of this title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, all school money due each charter school and university school for profoundly gifted pupils must be paid over by the State Treasurer to the governing body of the charter school or the governing body of the university school for profoundly gifted pupils on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection 5 of NRS 387.124, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due the charter school or university school for profoundly gifted pupils must be paid by the State Treasurer to the governing body of the charter school or the governing body of the university school for profoundly gifted pupils on July 1, October 1, January 1 or April 1, as applicable.

Sec. 36. NRS 387.210 is hereby amended to read as follows:

387.210 Except when the board of trustees of a county school district elects to establish a separate account under the provisions of NRS 354.603, each county treasurer shall:
1. Receive and hold as a special deposit all money for the system of public education, whether received by him from the State Treasurer or raised by the county for the benefit of the system of public education, or from any other source, and keep separate accounts thereof and of their disbursements.

2. Pay over all money for the system of public education received by him only on warrants of the county auditor, issued upon orders of the board of trustees of the county school district. All orders issued in accordance with law by the board of trustees are valid vouchers in the hands of the county auditors for warrants drawn upon such orders.

Sec. 37. NRS 387.225 is hereby amended to read as follows:

387.225 A tax collector or county treasurer shall not receive any fees or compensation whatever for collecting, receiving, keeping, transporting or disbursing any money for the system of public education.

Sec. 38. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive.

6. A university school for profoundly gifted pupils has the meaning ascribed to it in section 5 of this act.

Sec. 39. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils shall attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a charter school or a university school for profoundly gifted pupils.

Sec. 40. NRS 388.150 is hereby amended to read as follows:

388.150 1. No books, tracts or papers of a sectarian or denominational character may be used or introduced in any public school established pursuant to the provisions of this title of NRS, nor may any sectarian or denominational doctrines be taught in any public school.
2. Any school district, charter school or university school for profoundly gifted pupils whose officers knowingly allow any public schools to be taught in violation of this section forfeits all right to any money for the system of public school funds.

3. Nothing in this section prohibits education.

This section does not prohibit a school district, charter school or university school for profoundly gifted pupils from complying with applicable federal laws, such as the Equal Access Act, 20 U.S.C. §§ 4071 et seq.

Sec. 41. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5315, inclusive:
1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Profoundly gifted pupil" has the meaning ascribed to it in section 4 of this act.

3. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 42. NRS 389.020 is hereby amended to read as follows:

389.020 1. In all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS, instruction must be given in American government, including, without limitation, the:
(a) Essentials of the:
   (1) Constitution of the United States, including, without limitation, the Bill of Rights;
   (2) Constitution of the State of Nevada; and
   (3) Declaration of Independence;
(b) Origin and history of the Constitutions; and
(c) Study of and devotion to American institutions and ideals.

2. Except as otherwise provided in section 9 of this act, the instruction required in subsection 1 must be given during at least 1 year of the elementary school grades and for a period of at least 1 year in all high schools.

Sec. 43. NRS 389.030 is hereby amended to read as follows:

389.030 Except as otherwise provided in section 9 of this act, American history, including, without limitation, the history of the:
1. Constitution of the United States, including, without limitation, the Bill of Rights;
2. State of Nevada, including, without limitation, the Constitution of the State of Nevada; and
3. Declaration of Independence,
must be taught in all of the public schools in the State of Nevada for a period of at least 1 year.

Sec. 44. NRS 389.035 is hereby amended to read as follows:

389.035 1. Except as otherwise provided in subsection 2, no pupil in any public high school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS may receive a certificate or diploma of graduation without having passed a course in American government and American history as required by NRS 389.020 and 389.030.

2. A pupil who is enrolled in a university school for profoundly gifted pupils who meets the requirements of section 9 of this act is exempt from the provisions of this section.

Sec. 45. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

If the board of trustees of a school district or the governing body of a charter school employs a teacher who holds a special qualifications license, the board of trustees or the governing body, as applicable, shall assign at least one licensed teacher whom the board of trustees or the governing body determines is qualified to serve as a mentor for the first 3 years of the teacher’s employment with the school district or charter school under the special qualifications license.

Sec. 46. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other education services; and
Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master’s degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master’s degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master’s degree or doctoral degree held by that person.

(10) Providing for the issuance of a provisional license to an applicant who holds a bachelor’s degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has received certification from the American Board for Certification of Teacher Excellence. The license is valid for 3 years, and upon the completion of 2 years of instruction in a classroom with satisfactory evaluations, the holder of a provisional license pursuant to this subsubparagraph must be granted a license to teach elementary education, middle school or junior high school education or secondary education, as determined by the grades and subject areas designated on his provisional license.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 47. NRS 391.021 is hereby amended to read as follows:
Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and his knowledge and proficiency in each specific subject he proposes to teach. Each examination must include the following subjects:
1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and

The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel who have previous experience in teaching or performing other educational functions in another state.

Sec. 48. NRS 391.031 is hereby amended to read as follows:

There are the following kinds of licenses for teachers and other educational personnel in this State:
1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.
2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.
3. A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.
4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.
5. A special license designated as a special qualifications license which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the regulations of the Commission adopted pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019.

Sec. 49. NRS 391.037 is hereby amended to read as follows:

1. The State Board shall:
   (a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.
   (b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an
applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant for the issuance of a special qualifications license pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019 or a provisional license pursuant to subparagraph (10) of paragraph (a) of subsection 1 of NRS 391.019, each applicant for a license as a teacher or administrator or to perform some other educational function must submit with his application, in the form prescribed by the Superintendent of Public Instruction, proof that he has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

Sec. 50. NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

(a) The licensure of teachers or other educational personnel;
(b) The renewal of licenses of teachers or other educational personnel; or
(c) An endorsement in a field of specialization.

If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators, shall adopt regulations governing the approval by the State Board of courses of study and training which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.
6. A course of study or training approved by the State Board must include training to teach fundamental reading skills, including, without limitation:
   (a) Phonemic awareness;
   (b) Phonics;
   (c) Vocabulary;
   (d) Fluency; and
   (e) Comprehension."

Amend the bill as a whole by deleting sections 19 through 38, renumbering sec. 39 as sec. 60 and adding new sections designated sections 52 through 59, following sec. 18, to read as follows:

"Sec. 52. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of the Department or a school district shall not require a pupil or a parent or legal guardian of a pupil to obtain a prescription for the pupil for a substance controlled under the federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., as a condition to the pupil enrolling in a public school, attending a class in a public school, being evaluated for placement in a program of special education pursuant to NRS 388.470 or receiving special educational services pursuant to NRS 388.440 to 388.520, inclusive.

2. This section does not prohibit a teacher or other educational personnel from consulting or sharing classroom-based observations with a parent or legal guardian of a pupil concerning:
   (a) The academic performance of the pupil;
   (b) The behavior of the pupil in the classroom or on school grounds; or
   (c) The need for the pupil to be evaluated for placement in a program of special education pursuant to NRS 388.470.

Sec. 53. NRS 392.350 is hereby amended to read as follows:

392.350 1. Except as otherwise provided in NRS 392.268, if the daily transportation of a pupil is not practical or economical, the board of trustees, in lieu of furnishing transportation, may pay to the parents or guardian of the pupil an amount of money not to exceed $10 per day of attendance at school to assist the parents or guardian in defraying the cost of board, lodging and other subsistence expenses of the pupil to attend a public school in a city or town in this State or in an adjoining state. If the public school is in an adjoining county or state, costs for tuition and subsistence must be fixed by agreement between the boards of trustees of the school district in which the pupil resides and the school district in which the pupil attends school.

2. Payment of money in lieu of furnishing transportation may be made only if:
   (a) The guardian or parents have been residents in the area for a period set by the board of trustees; and
   (b) The Superintendent of Public Instruction determines that the arrangements comply with regulations of the State Board.

Sec. 54. NRS 394.130 is hereby amended to read as follows:
394.130 1. In order to secure uniform and standard work for pupils in private schools in this State, instruction in the subjects required by law for pupils in the public schools shall be required of pupils receiving instruction in such private schools, either under the regular state courses of study prescribed by the State Board [of Education] or under courses of study prepared by such private schools and approved by the State Board [of Education].

2. Such private schools [shall] must be required to furnish from time to time such reports as the Superintendent of Public Instruction may find necessary as to enrollment, attendance and general progress within such schools.

3. [Nothing in this section shall be so construed as:] This section is not intended:
   (a) To interfere with the right of the proper authorities having charge of private schools to give religious instruction to the pupils enrolled therein.
   (b) Except as otherwise provided in section 20 of this act, to give such private schools any right to share in the money for the system of public school funds [education] apportioned for the support of the system of public schools [education] of this State.

Sec. 55. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:
   (a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 [and includes a pupil enrolled in a university school for profoundly gifted pupils. The qualification "bona fide" is intended to assure that the residence is genuine and established for purposes other than the avoidance of tuition.
   (b) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the University of Nevada System, but tuition shall be free to:
   (a) All students whose families are bona fide residents of the State of Nevada;
   (b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 6 months prior to their matriculation at the university;
   (c) All public school teachers who are employed full time by school districts in the State of Nevada; and
   (d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS.

3. In its discretion, the Board of Regents may grant tuitions free each university semester to worthwhile and deserving students from other states and foreign countries, in number not to exceed a number equal to 3 percent
of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 56. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, irrigation district, school district, governing body of a charter school [and] any other special district that performs a governmental function, even though it does not exercise general governmental powers [and] the governing body of a university school for profoundly gifted pupils.

Sec. 57. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive:

1. "Employee" includes an employee of a:
   (a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.
   (b) Charter school.
   (c) University school for profoundly gifted pupils described in sections 2 to 9, inclusive, of this act.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:
   (a) Is an independent contractor with the State pursuant to NRS 284.173; and
   (b) Contracts to provide medical services for the Department of Corrections.

As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:
   (a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.
   (b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

Sec. 58. NRS 41.745 is hereby amended to read as follows:

41.745 1. An employer is not liable for harm or injury caused by the intentional conduct of an employee if the conduct of the employee:
   (a) Was a truly independent venture of the employee;
   (b) Was not committed in the course of the very task assigned to the employee; and
(c) Was not reasonably foreseeable under the facts and circumstances of the case considering the nature and scope of his employment.

For the purposes of this subsection, conduct of an employee is reasonably foreseeable if a person of ordinary intelligence and prudence could have reasonably anticipated the conduct and the probability of injury.

2. Nothing in this section imposes strict liability on an employer for any unforeseeable intentional act of his employee.

3. For the purposes of this section:
   (a) "Employee" means any person who is employed by an employer, including, without limitation, any present or former officer or employee, immune contractor, an employee of a university school for profoundly gifted pupils described in section 2 to 9, inclusive, of this act, or a member of a board or commission or Legislator in this State.
   (b) "Employer" means any public or private employer in this State, including, without limitation, the State of Nevada, a university school for profoundly gifted pupils described in sections 2 to 9, inclusive, of this act, any agency of this State and any political subdivision of the State.
   (c) "Immune contractor" has the meaning ascribed to it in subsection 3 of NRS 41.0307.
   (d) "Officer" has the meaning ascribed to it in subsection 4 of NRS 41.0307.

Sec. 59. On or before December 30, 2005, the Superintendent of Public Instruction shall adopt regulations to carry out the provisions of section 8 of this act.

Amend the title of the bill to read as follows:

"AN ACT relating to education; providing for the enrollment of certain pupils in a university school for profoundly gifted pupils; providing for the issuance of a special qualifications license to teach for persons with certain graduate degrees and work experience; providing for the issuance of a provisional license to teach for persons with bachelor’s degrees and certain certifications; revising the provisions regarding the corrective action that may be taken against a school that is designated as demonstrating need for improvement; providing for scholarships to certain pupils to attend private schools; revising the provisions governing the apportionment of money from the State Distributive School Account to include the count of certain pupils who are receiving scholarships to attend private schools and pupils who are enrolled in a university school for profoundly gifted pupils; prohibiting a child from being required to obtain a prescription drug as a condition of attending a public school; requiring the University and Community College System of Nevada to include a prescribed reading curriculum in a program to educate teachers; and providing other matters properly relating thereto."

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington, Carlton, Titus and Care.

Amendment adopted.
Senator Raggio moved that Senate Bill No. 461 be rereferred to the
Committee on Finance upon return from reprint.
Remarks by Senator Raggio.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved that Senate Bill No. 473 be taken from the
Second Reading File and placed on the Second Reading File for the next
legislative day.
Remarks by Senator Amodei.
Motion carried.

Senator Raggio moved that Senate Bill No. 478 be taken from the
Second Reading File and placed on the Secretary’s desk.
Remarks by Senator Raggio.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 476.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 475.
Amend the bill as a whole by deleting sections 1 through 15 and adding
new sections designated sections 1 through 6, following the enacting clause,
to read as follows:
"Section 1. Chapter 482 of NRS is hereby amended by adding thereto
the provisions set forth as sections 2 and 3 of this act.
Sec. 2. 1. There is hereby created a program within the Department
pursuant to which the Department shall, within the limits of legislative
appropriations, pay rebates to persons who purchase new vehicles that are
powered solely by alternative fuel.
2. The Department shall account separately for all money received for
the use of the program. The Director shall administer the account.
3. The program must provide a rebate of 10 percent of the purchase
price of a new vehicle that is powered solely by alternative fuel to the
purchaser of such a vehicle who applies for the rebate, presents satisfactory
proof to the Department of his purchase of the vehicle, and otherwise
qualifies for the rebate pursuant to this section and the regulations adopted
pursuant thereto.
4. The Department shall adopt regulations necessary to carry out the
provisions of this section. The regulations must, without limitation:
(a) Establish the procedure for applying for and obtaining a rebate;
(b) Provide that the program must not pay rebates with respect to more
than 250 new vehicles that are powered solely by alternative fuel each year;
(c) Provide that the program must not pay more than 10 rebates each year to a specific person;
(d) Provide that the program applies only to residents of this State;
(e) Provide that the program applies only to passenger cars which are registered in this State and which do not have apportioned license plates; and
(f) Provide that the program does not apply with respect to any vehicle that is capable of operating on either alternative fuel or a traditional fuel, including, without limitation, gasoline or diesel fuel.

5. As used in this section, "alternative fuel" means:
(a) Biodiesel fuel;
(b) Compressed natural gas;
(c) Ethanol;
(d) Hydrogen;
(e) Hydrogen-enriched compressed natural gas;
(f) Liquefied natural gas; and
(g) Liquefied petroleum gas.

Sec. 3. 1. Notwithstanding the provisions of any specific statute to the contrary, the Department shall provide for an exemption from the governmental services tax upon the registration of a new vehicle that is powered solely by electrical power or alternative fuel.
2. The Department shall limit the exemption to 250 new vehicles per year.
3. The exemption must be for the full amount of the governmental services tax otherwise due.
4. The Department shall adopt regulations necessary to carry out the provisions of this section.
5. As used in this section "alternative fuel" means:
(a) Biodiesel fuel;
(b) Compressed natural gas;
(c) Ethanol;
(d) Hydrogen;
(e) Hydrogen-enriched compressed natural gas;
(f) Liquefied natural gas; and
(g) Liquefied petroleum gas.

Sec. 4. There is hereby appropriated from the State General Fund to the Department of Motor Vehicles to carry out the provisions of section 2 of this act:
For the Fiscal Year 2005-2006................................................ $1,000,000
For the Fiscal Year 2006-2007................................................ $1,000,000

Sec. 5. Any balance of the sums appropriated by section 4 of this act remaining at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year, except that any remaining balance of the appropriation made by section 4 of this act must not be
committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 6. 1. This act becomes effective on July 1, 2005.
2. Sections 1, 2 and 3 of this act expire by limitation on June 30, 2009.”.

Amend the title of the bill to read as follows:
“AN ACT relating to motor vehicles; providing under certain circumstances for a rebate of a portion of the purchase price of a new vehicle that is powered solely by alternative fuel; providing under certain circumstances for an exemption from the governmental services tax upon the registration of a new vehicle that is powered solely by electrical power or alternative fuel; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:
“SUMMARY—Provides for rebate on purchase of new vehicle that is powered solely by alternative fuel and exemption from governmental services tax upon registration of new vehicle that is powered solely by electrical power or alternative fuel. (BDR 43-1301)”.

Senator Tiffany moved the adoption of the amendment.
Remarks by Senator Tiffany.
Amendment adopted.
Senator Raggio moved that Senate Bill No. 476 be rereferred to the Committee on Finance upon return from reprint.
Remarks by Senator Raggio.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 477.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 597.
Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 15 as sections 9 through 14.
Senator Cegavske moved the adoption of the amendment.
Remarks by Senator Cegavske.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 481.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 477.
Amend section 1, pages 1 and 2, by deleting line 17 on page 1 and lines 1 through 15 on page 2, and inserting: “is hereby created, for the ensuing fiscal year, [a sum not to exceed $130,000 or] the total amount remaining in the Account for Taxes on Aviation Fuel, whichever is less.”.
(c) After deducting the amounts allocated pursuant to paragraphs (a) and (b), any remaining balance in the Account for Taxes on Aviation Fuel must be remitted, in proportion to the amount of the mandatory tax collected at each airport, to the:

(1) Governmental entity which operates the airport at which the mandatory tax was collected, if the airport is operated by a governmental entity;

(2) Governmental entity which owns the airport at which the mandatory tax was collected, if the airport is owned but not operated by a governmental entity; or

(3) County in which is located the airport at which the mandatory tax was collected, if the airport is neither owned nor operated by a governmental entity.

Amend the title of the bill, first line, after "Patrol;" by inserting: "eliminating the limit on the amount that may be transferred to the Civil Air Patrol Account from the proceeds of the excise tax on aviation fuel;".

Senator Tiffany moved the adoption of the amendment.
Remarks by Senator Tiffany.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Senate Bill No. 484 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.
Remarks by Senator Raggio.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 488.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 418.

Amend sec. 4, page 4, line 28, by deleting: "[Insofar as practicable, consult] Consult" and inserting: "Insofar as practicable, consult".

Senator Hardy moved the adoption of the amendment.
Remarks by Senator Hardy.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 193.
Bill read second time.
The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 352.
Amend the bill as a whole by deleting sections 1 through 35 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. NRS 451.360 is hereby amended to read as follows:

451.360 1. The University and Community College System of Nevada may establish a Committee on Anatomical Dissection [which must be composed as follows:

1. One doctor of medicine] consisting of:
   (a) One member who is:
      (1) A physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, appointed by the Nevada State Medical Association [;
      2. One doctor of]; or
      (2) An osteopathic physician licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, appointed by the Nevada Osteopathic Medical Association.
   (b) One member who is a dentist licensed to practice dentistry pursuant to the provisions of chapter 631 of NRS, appointed by the Nevada [State] Dental Association.

2. One doctor of; or

3. (c) One member who is a pathologist , appointed by the Nevada [State] Society of Pathologists.

4. (d) One member appointed by the President of the University of Nevada, Reno, from the faculty of the University of Nevada, Reno.

5. (e) One member appointed by the President of the University of Nevada, Las Vegas, from the faculty of the University of Nevada, Las Vegas.

6. (f) One member appointed by the President of the Touro University College of Osteopathic Medicine, Nevada, or its successor, from the faculty of the Touro University College of Osteopathic Medicine, Nevada.

7. (g) The State Health Officer, or [one of his staff appointed by him.

8. (h) One member appointed by the Nevada Funeral Service Association.

2. The Committee shall elect:

(a) The member appointed by the President of the University of Nevada, Reno, or the member appointed by the President of the University of Nevada, Las Vegas, to serve as Chairman of the Committee; and

(b) A Secretary from among its members.

3. The Chairman and Secretary shall hold office for a term of 1 year.

Sec. 2. NRS 451.370 is hereby amended to read as follows:

451.370 1. The Committee shall meet:

(a) At least twice annually and at other times specified by a call of the Chairman of the Committee or a majority of its members; and

(b) At places specified by the Chairman.

2. The Committee shall keep full and complete minutes of each meeting of the Committee and a complete record of all dead human bodies received and distributed by it and of the persons to whom the bodies may be
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The minutes and records must be open at all times [to the inspection of] for inspection by each member of the Committee and [of] by the district attorney of any county within the State.

3. The Secretary of the Committee is responsible for keeping the minutes of each meeting of the Committee and preparing and maintaining a complete file of the minutes and records of the Committee.

4. The Committee shall prepare and approve an annual budget for the Committee.

5. A report of the activities of the Committee must be made before September 1 of each even-numbered year covering the biennium ending June 30 of such year to [the]:

(a) The Presidents of the University and Community College System of Nevada and to the State Board of Education.

(b) The State President of the University and Community College System of Nevada must act as Secretary and shall be responsible for preparing and maintaining a complete file of such minutes and records.

(c) The Governor; and

(d) The Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature.

Sec. 3. NRS 451.390 is hereby amended to read as follows:

451.390 The Committee shall [from time to time] adopt such regulations as it may deem necessary for the performance of its duties [The Committee may meet regularly once a year and at such other times as it deems necessary], including, without limitation, regulations concerning the persons and entities that are eligible to receive dead bodies pursuant to NRS 451.450.

Sec. 4. NRS 451.400 is hereby amended to read as follows:

451.400 1. All public officers, agents or employees of every county, city or town, every person in charge of any prison, morgue, hospital, funeral parlor or mortuary, and all other persons coming into possession, charge or control of any dead human body which is unclaimed or which is required to be buried at public expense are hereby required to notify [immediately, or such person as may from time to time be designated by the Committee] or its designee.

2. Except as otherwise provided in NRS 451.420, every [such] person required to notify the Committee or its designee of his possession, charge or control of a dead human body pursuant to subsection 1 shall, upon the request of the Committee and without fee, deliver such a dead body to the Committee, or to such agent, institution or person as the Committee shall designate.

Sec. 5. NRS 451.410 is hereby amended to read as follows:

451.410 Each dead human body received by the Committee shall be retained in a receiving vault for a period of not less than 30 days before allowing its use for medical science. If at any time
more bodies are made available to the Committee than can be used for medical science under its jurisdiction, or a body shall be deemed by the Committee to be unfit for anatomical purposes, the Committee may notify, in writing, the board of county commissioners of the county where the death occurred. Upon receiving such notification, the board of county commissioners shall direct a person to take charge of such body and cause it to be buried or cremated in accordance with the existing rules, laws and practices for disposing of unclaimed bodies within such county.

Sec. 6. NRS 451.450 is hereby amended to read as follows:

451.450 1. The Committee or its duly authorized agent shall take and receive the bodies delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive, and shall distribute such bodies proportionately and equitably, among schools, teaching hospitals wherein there is a resident training program that requires cadaveric material for study, and such other person or entity as the Committee may determine to be eligible to receive such bodies.

2. The Committee shall charge and collect a fee in an amount not to exceed the expenses of the Committee to obtain, handle and distribute a body delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive, from the person or entity to whom the body is distributed pursuant to this section, other than a university, state college, community college or medical school within the University and Community College System of Nevada.

3. A person or entity may not receive a dead body for the promotion of medical science unless the Committee has determined that the person or entity is eligible to receive the dead body. A person or entity who receives a dead body in violation of this subsection is guilty of a gross misdemeanor.

Sec. 7. NRS 451.460 is hereby amended to read as follows:

451.460 The Committee shall not distribute a body delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive, to a university, school, college, teaching hospital or association until the university, school, college, teaching hospital or association submits a bond, in a form approved by the Attorney General, to the Committee. Such bond shall be in the penal sum of $1,000 conditioned that all such bodies received by such university, school, college, teaching hospital or association shall be used for no other purpose than the promotion of medical science within this State.

Sec. 8. NRS 451.470 is hereby amended to read as follows:

451.470 At any time any body, or part of any body accepted by the Committee, has been used and deemed of no further value to medical or dental science, the person having charge of such body or parts of such body shall dispose of the remains by cremation or as otherwise specified under prior mutually agreed special conditions of acceptance.

Amend the title of the bill to read as follows:
"AN ACT relating to public health; making various changes concerning
the Committee on Anatomical Dissection established by the University and
Community College System of Nevada; prohibiting a person from receiving
a dead body under certain circumstances; decreasing the period of time that
the Committee is required to retain any dead body it receives in a receiving
vault to not less than 30 days; requiring the Committee to charge and collect
certain fees for obtaining, handling and distributing dead bodies; providing a
penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Makes various changes concerning Committee on
Anatomical Dissection established by University and Community College
System of Nevada and distribution and treatment of dead bodies.
(BDR 40-51)"

Senator Washington moved the adoption of the amendment.
Remarks by Senator Washington.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 310.
Bill read second time.
The following amendment was proposed by the Committee on
Transportation and Homeland Security:
Amendment No. 518.
Amend sec. 2, page 1, by deleting lines 9 through 14 and inserting:
"collisions involving motor vehicles and pedestrians;
(b) Within 7 days after the administrative head of the response agency has
determined, pursuant to paragraph (a), that the frequency of collisions
involving motor vehicles and pedestrians is unusually high within certain
street intersections and certain portions of freeways, highways, roads and
streets, direct the appropriate person or agency to:
(1) Evaluate the factors, including, without limitation, those relating to
engineering, the environment and the control of traffic, which may contribute
to the unusually high frequency of collisions in those locations; and
(2) Report back to the response agency concerning the results of the
evaluation; and
(c) Periodically, but not less frequently than at least once every 90 days,
provide the information established, maintained, evaluated and reported
pursuant to paragraphs (a) and (b) to:
(1) The various public authorities having jurisdiction over the
applicable intersections, freeways, highways, roads and streets; and
(2) The public, by way of a website established and maintained by the
response agency on the Internet or its successor for that purpose."

Amend sec. 3, page 2, line 5, after "system" by inserting: "consisting of a
single clearinghouse or other source".

Amend sec. 3, page 2, by deleting lines 9 through 13 and inserting:
"2. After establishing a system pursuant to subsection 1 and within 7 days after:
   (a) Receiving a complaint; and
   (b) Verifying that an unusually high number of such complaints have been received regarding the same intersection, freeway, highway, road or street, or portion thereof, within a period of not more than 14 days,
   the applicable public authority shall verify the accuracy of the complaint by, as necessary, interviewing the person or persons who filed the complaint and, if applicable, reviewing any photographic, videotaped or"

Amend sec. 4, page 2, line 25, by deleting "72 hours" and inserting "7 days".
Amend sec. 4, page 2, line 29, by deleting "including," and inserting: "which may include;".
Amend sec. 4, page 2, by deleting lines 33 and 34 and inserting:
"2. After complying with the requirements of subsection 1:
   (a) Within 7 days, commence and carry out an evaluation of the circumstances in"

Amend sec. 4, page 2, by deleting line 38 and inserting: "location; and
   (b) Within 120 days, take initial action to reduce permanently, insofar as practicable, the risk of collisions between pedestrians and motor vehicles at the applicable location.".

Senator Nolan moved the adoption of the amendment.
Remarks by Senator Nolan.
Amendment adopted.
Senator Raggio moved that Senate Bill No. 310 be rereferred to the Committee on Finance upon return from reprint.
Remarks by Senator Raggio.
Motion carried.
Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 365.
Bill read second time.
The following amendment was proposed by the Committee on Transportation and Homeland Security:
Amendment No. 517.
Amend the bill as a whole by deleting sections 1 through 12, renumbering sections 13 and 14 as sections 2 and 3, and adding a new section designated section 1, following the enacting clause, to read as follows:
"Section 1. 1. To the extent money is made available, the Commission shall establish a statewide mapping system for the public buildings in this State for use by response agencies that are called to respond to an act of terrorism or related emergency.
   2. The statewide mapping system must include, without limitation:
      (a) The type of information that must be included within the software program that comprises the system, including, without limitation, floor plans,
fire protection information, building evacuation plans, utility information, known hazards and information on how to contact emergency personnel;

(b) The manner by which the information prescribed pursuant to paragraph (a) must be transferred to the system from the state agencies and the political subdivisions that participate in the system;

(c) Standards for the software that must be used by the state agencies and political subdivisions that participate in the system;

(d) Conditions for use of the system by response agencies;

(e) Guidelines for:
   (1) The accessibility of information contained within the system; and
   (2) The incorporation, in connection with the use of the system, of the items described in paragraph (b) of subsection 3;

(f) In accordance with information obtained by the Commission, determine the priority for distribution of any money that may be available for the state agencies and political subdivisions to participate in the system; and

(g) Guidelines recommended by the Commission for the training of persons employed by response agencies concerning the use of the system.

3. To the extent money is made available, the state agencies and political subdivisions shall:

(a) Participate in the statewide mapping system; and

(b) Incorporate into their use of the system, without limitation:
   (1) Evacuation routes and strategies for evacuation;
   (2) Alarms and other signals or means of notification;
   (3) Plans for sheltering in place; and
   (4) Training and strategies for prevention in connection with attacks involving violence.

If a state agency or a political subdivision uses its own building mapping system before the Commission establishes a statewide mapping system, the state agency or political subdivision may continue to use its system unless money is made available for the state agency or political subdivision to update or modify its system as necessary for inclusion in the statewide system.

4. The Commission:

(a) Shall pursue any money that may be available from the Federal Government for the development and operation of a statewide mapping system for public buildings and for the distribution of grants to the state agencies and political subdivisions that participate in the system.

(b) May accept gifts, grants and contributions for the development and operation of a statewide mapping system and for the distribution of grants to the state agencies and political subdivisions that participate in the system.

5. Each state agency and political subdivision that participates in the system shall, on or before July 1, 2006, and on or before July 1 of each year thereafter, submit to the Commission a progress report setting forth, in accordance with regulations adopted by the Commission, the experience of the agency or political subdivision, as applicable, with respect to its
participation in the system. The Commission shall receive and process such progress reports and provide to the Legislative Commission a summarized overview of the system on or before October 1, 2006, and on or before October 1 of each year thereafter.

6. As used in this section:
   (a) "Act of terrorism" has the meaning ascribed to it in NRS 239C.030.
   (b) "Commission" means the State Emergency Response Commission created by NRS 459.738.
   (c) "Political subdivision" has the meaning ascribed to it in NRS 239C.070.
   (d) "Response agency" has the meaning ascribed to it in NRS 239C.080.
   (e) "Sheltering in place" means to remain inside a building, room, structure or other location during an emergency when egress may be impossible or when egress may present a more substantial risk than remaining inside the building, room, structure or other location, as applicable.

Amend sec. 13, page 8, line 9, by deleting "program." and inserting: "program as soon as practicable after July 1, 2005."


Amend the title of the bill to read as follows:
"AN ACT relating to public safety; requiring the State Emergency Response Commission to establish a statewide mapping system for the public buildings in this State to the extent money is available for a system; encouraging retail establishments doing business in this State to adopt the "Code Adam" program; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Establishes and encourages use of certain systems and programs relating to public safety. (BDR 40-286)"

Senator Nolan moved the adoption of the amendment.
Remarks by Senators Nolan, Carlton and Titus.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 386.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 589:
Amend sec. 6, page 4, line 10, by deleting "5" and inserting "7".
Amend sec. 13, page 5, lines 25 and 26, by deleting "made available" and inserting: "designated".
Amend sec. 31, page 15, by deleting lines 22 through 25 and inserting:
"person is registered to vote and the name of the person appears in the election board register of an election board at a different precinct.".
Amend sec. 34, page 17, by deleting lines 38 through 45 and inserting:
"cast the wrong ballot for the [address at] congressional district in which he resides.".
Amend sec. 37, page 19, line 45, by deleting "agent; or" and inserting "agent;".
Amend sec. 37, page 20, line 1, by deleting "organization." and inserting:
"organization; or
(c) A candidate for nomination or election or a relative of such a candidate within the second degree of consanguinity or affinity.".
Amend sec. 85, page 51, line 30, by deleting "agent; or" and inserting "agent;".
Amend sec. 85, page 51, line 31, by deleting "organization." and inserting:
"organization; or
(c) A candidate for nomination or election or a relative of such a candidate within the second degree of consanguinity or affinity.".
Senator Cegavske moved the adoption of the amendment.
Remarks by Senator Cegavske.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 470.
Bill read second time.
The following amendment was proposed by the Committee on Transportation and Homeland Security:
Amendment No. 239.
Amend section 1, page 1, by deleting line 7 and inserting:
"shall ensure that, within any designated walkway or throughway in a terminal of an airport, pedestrian and mechanized traffic remains unimpeded by".
Amend sec. 2, page 2, by deleting line 40 and inserting:
"2. Shall ensure that, within any designated walkway or throughway in a terminal of an airport, pedestrian and mechanized traffic remains unimpeded by".
Amend sec. 3, page 3, by deleting lines 6 and 7 and inserting:
"(b) Shall ensure that, within any designated walkway or throughway in a terminal of an airport, pedestrian and mechanized traffic remains unimpeded by persons forming lines at boarding gates.".
Amend sec. 4, page 4, by deleting line 11 and inserting:
"ensure that, within any designated walkway or throughway in a terminal of an airport, pedestrian and mechanized traffic remains unimpeded by".
Amend sec. 5, page 6, by deleting lines 32 and 33 and inserting:
"2. The Board shall ensure that, within any designated walkway or throughway in a terminal of an airport, pedestrian and mechanized traffic remains unimpeded by persons forming lines at".
Amend sec. 6, page 7, by deleting line 1 and inserting: "Authority shall ensure that, within any designated walkway or throughway in a terminal of an airport, pedestrian and mechanized traffic".

Amend the title of the bill to read as follows:
"AN ACT relating to airports; requiring governmental entities which govern airports to ensure that certain pedestrian and mechanized traffic is not impeded by persons forming lines at boarding gates; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:
"SUMMARY—Requires governmental entities which govern airports to ensure that certain pedestrian and mechanized traffic is not impeded by persons forming lines at boarding gates. (BDR 44-1340)"

Senator Nolan moved the adoption of the amendment.
Remarks by Senators Nolan, Care and Titus.

Senators Titus, Carlton and Horsford requested a roll call vote on Senator Nolan's motion.

Roll call on Senator Nolan's motion:

YEAS—11.
NAYS—Care, Carlton, Coffin, Horsford, Lee, Mathews, Titus, Wiener—8.
ABSENT—Schneider.
EXCUSED—McGinness.

The motion having received a majority, President Hunt declared it carried.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 475.
Bill read third time.
The following amendment was proposed by Senator Nolan:
Amendment No. 582.

Amend section 1, page 2, line 12, by deleting "2002," and inserting "2005,"

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:
"Sec. 2. This act becomes effective on July 1, 2005."

Senator Nolan moved the adoption of the amendment.
Remarks by Senator Nolan.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that the action whereby Senate Bill No. 326 was passed be rescinded.
Remarks by Senators Townsend and Mathews.
Motion carried.
GENERAL FILE AND THIRD READING

Senate Bill No. 326.
Bill read third time.
Roll call on Senate Bill No. 326:
YEAS—12.
ABSENT—Schneider.
EXCUSED—McGinness.

Senate Bill No. 326 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to L. Lavonne Lewis, Billie Knight Raulford, Verlia Davis Huggard, Sonya Horsford, Virginia Ingram, Edna States, Dr. Bertha Pendleton, Dr. Sandra F. Mack, Sharon Carson, Alma Crenshaw, Dr. Teddy Ostankowski and Marsha Simms.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students and chaperones from the Safe Harbor Christian School: Michael Chesterfield, Nathon Carlson, Autumn Liedkie, Lauren Delameter, Vanessa Hillberg, Hannah Hawks, Claudia Agbor-Bessem, Alexis Mees; teacher and chaperones: Debra Wisniewski, Paul Jachimiak, Randy Chesterfield and Sharon Roddam.

Senator Raggio moved that the Senate adjourn until Tuesday, April 26, 2005, at 10:30 a.m.
Motion carried.

Senate adjourned at 7:44 p.m.

Approved: LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate