

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

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## ASSEMBLY DAILY JOURNAL

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### THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), June 2, 2005

Assembly called to order at 10:34 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Imam Salem Mohammed.

Almighty God, who is God of this beautiful universe, guide us to the straight path, the path of all righteous people throughout history. Help us obtain joy and inner peace, and to be sources of joy to our fellow human beings. Shower us with Your infinite mercy during times of ease and times of hardship. Almighty God, who taught humanity throughout the ages, teach us and help us to reach the best decisions. Almighty God, bless our nation, our state, our leaders, and our lawmakers in this Assembly with the best of guidance.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 570 and 571, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, *Chairman*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 35, 388, 524, 561; Senate Bill No. 103.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 42, Senate Amendment Nos. 847, 1040,

and requests a conference, and appointed Senators Washington, Horsford, and Heck as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 43, Senate Amendment No. 848, and requests a conference, and appointed Senators Cegavske, Heck, and Mathews as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 44, Senate Amendment No. 859, and requests a conference, and appointed Senators Heck, Hardy, and Tiffany as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 52, Senate Amendment Nos. 1037, 1082, and requests a conference, and appointed Senators Nolan, Amodei, and Schneider as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 63, Senate Amendment No. 919, and requests a conference, and appointed Senators Heck, Hardy, and Schneider as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 143, Senate Amendment No. 846, and requests a conference, and appointed Senators Amodei, Care, and McGinness as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 221, Senate Amendment No. 888, and requests a conference, and appointed Senators Amodei, Care, and McGinness as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 267, Senate Amendment No. 697, and requests a conference, and appointed Senators Washington, Wiener, and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 314, Senate Amendment No. 947, and requests a conference, and appointed Senators Beers, Titus, and Hardy as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 327, Senate Amendment No. 1072, and requests a conference, and appointed Senators Nolan, Mathews, and Heck as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 337, Senate Amendment No. 735, and requests a conference, and appointed Senators Cegavske, Titus, and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 365, Senate Amendment No. 803, and requests a conference, and appointed Senators Washington, Wiener, and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 437, Senate Amendment No. 707, and requests a conference, and appointed Senators Schneider, Carlton, and Lee as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 501, Senate Amendment No. 706, and requests a conference, and appointed Senators Carlton, Heck, and Tiffany as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 165.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 878 to Senate Bill No. 37; Assembly Amendment No. 741 to Senate Bill No. 45; Assembly Amendment No. 1054 to Senate Bill No. 120; Assembly Amendment No. 1075 to Senate Bill No. 126; Assembly Amendment No. 885 to Senate Bill No. 153; Assembly Amendment No. 829 to Senate Bill No. 181; Assembly Amendment No. 914 to Senate Bill No. 189; Assembly Amendment No. 759 to Senate Bill No. 233; Assembly Amendment No. 915 to Senate Bill No. 238; Assembly Amendment No. 1065 to Senate Bill No. 245; Assembly Amendment No. 916 to Senate Bill No. 256; Assembly Amendment No. 1038 to Senate Bill No. 300; Assembly Amendment No. 681 to Senate Bill No. 332; Assembly Amendment No. 1085 to Senate Bill No. 339; Assembly Amendment No. 990 to Senate Bill No. 358; Assembly Amendment No. 980 to Senate Bill No. 365; Assembly Amendment No. 830 to Senate Bill No. 397; Assembly Amendment No. 911 to Senate Bill No. 428; Assembly Amendment No. 1067 to Senate Bill No. 431; Assembly Amendment No. 890 to Senate Bill No. 467; Assembly Amendment No. 902 to Senate Bill No. 477; Assembly Amendment No. 1003 to Senate Bill No. 509.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 834 to Senate Bill No. 29; Assembly Amendment Nos. 892, 1079 to Senate Bill No. 62; Assembly Amendment No. 722 to Senate Bill No. 80; Assembly Amendment No. 972 to Senate Bill No. 163; Assembly Amendment No. 751 to Senate Bill No. 174; Assembly Amendment No. 1102 to Senate Bill No. 224; Assembly Amendment Nos. 884, 1032 to Senate Bill No. 325; Assembly Amendment No. 1043 to Senate Bill No. 333; Assembly Amendment No. 959 to Senate Bill No. 335; Assembly Amendment No. 906 to Senate Bill No. 356; Assembly Amendment Nos. 931, 1002 to Senate Bill No. 386; Assembly Amendment No. 1077 to Senate Bill No. 394; Assembly Amendment No. 1001 to Senate Bill No. 396; Assembly Amendment No. 1086 to Senate Bill No. 434; Assembly Amendment No. 881 to Senate Bill No. 453; Assembly Amendment Nos. 1087, 1108 to Senate Bill No. 457.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Wiener, and Nolan as a first Conference Committee concerning Senate Bill No. 173.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

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

Assembly in recess at 10:46 a.m.

#### ASSEMBLY IN SESSION

At 10:53 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

##### NOTICE OF WAIVER

A Waiver requested by Senator Nolan.

For: Senate Bill No. 118.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: June 2, 2005.

WILLIAM J. RAGGIO  
*Senate Majority Leader*

RICHARD D. PERKINS  
*Speaker of the Assembly*

Assemblyman Ocegüera moved that for the balance of session, the reading of titles to all bills and resolutions be dispensed with.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 103.

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

Motion carried.

Senate Bill No. 165.

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

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its actions on Senate Bill No. 325, that a conference be requested, and that Madam Speaker pro Tempore appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Horne, Allen, and Manendo as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 325.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 453, that a conference be requested, and that Madam Speaker pro Tempore appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Buckley, Carpenter, and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 453.

Madam Speaker pro Tempore appointed Assemblymen Conklin, Carpenter, and Horne as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 143.

Madam Speaker pro Tempore appointed Assemblymen Ocegüera, Allen, and Gerhardt as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 221.

Madam Speaker pro Tempore appointed Assemblymen Anderson, Allen, and Ohrensfall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 267.

Madam Speaker pro Tempore appointed Assemblywomen Ohrensfall, Allen, and Gerhardt as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 365.

Madam Speaker pro Tempore appointed Assemblymen Ocegüera, Atkinson, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 52.

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 960.

Amend sec. 7, page 2, by deleting lines 26 and 27 and inserting:

“2. *The term does not include:*

*(a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or*

*(b) Reflexology.”*

Amend sec. 8, page 2, by deleting lines 29 through 32 and inserting:

“(a) *A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.*

*(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.*

*(c) A person licensed or registered as an aesthetician, cosmetologist or cosmetologist’s apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, cosmetologist or cosmetologist’s apprentice pursuant to that chapter.*

*(d) A person who is an employee of an athletic department of”.*

Amend sec. 8, page 2, line 36, by deleting “(c)” and inserting “(e)”.

Amend sec. 8, page 2, line 38, by deleting “(d)” and inserting “(f)”.

Amend sec. 8, page 2, line 40, by deleting “(e)” and inserting “(g)”.

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

“Sec. 9. 1. *The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this section and one nonvoting advisory member appointed pursuant to section 10 of this act.*

2. *The Governor shall appoint to the Board seven members as follows:*

(a) *Six members who:*

(1) *Are licensed to practice massage therapy in this State; and*

(2) *Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.*

*Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.*

(b) *One member who is a member of the general public. This member must not be:*

(1) *A massage therapist; or*

(2) *The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.*

3. *The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.*

4. *The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.*

5. *After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.*

6. *A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.*

7. *A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.*

8. *The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.*

Sec. 10. 1. *The Governor shall appoint to the Board one nonvoting advisory member.*

2. *The advisory member must be a person who:*

(a) *Is a resident of Clark County;*

*(b) Has been certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500; and*

*(c) Is actively serving or has retired from service as a police officer with the Las Vegas Metropolitan Police Department.*

*3. The advisory member is subject to the provisions of section 9 of this act with regard to his terms, reappointment, vacancy and removal.*

*4. The advisory member:*

*(a) Serves solely as an advisor to the Board.*

*(b) May be designated by the Board to assist in any investigation conducted pursuant to this chapter.*

*(c) May not be counted in determining a quorum of the Board.*

*(d) May not vote on any matter before the Board.*

*5. The advisory member:*

*(a) Serves without salary or compensation.*

*(b) Is entitled to receive the per diem allowance and travel expenses provided for in section 15.6 of this act.*

*6. If the advisory member is actively serving as a police officer, the advisory member must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Board and perform any work that is necessary to carry out his duties with the Board in the most timely manner practicable. The advisory member's employer shall not require the advisory member to:*

*(a) Make up the time he is absent from work to carry out his duties with the Board; or*

*(b) Take annual leave or compensatory time for the absence.*

*7. Notwithstanding any other provision of law, the advisory member:*

*(a) Is not disqualified from public employment or holding a public office because of his membership on the Board; and*

*(b) Does not forfeit his public office or public employment because of his membership on the Board.*

*Sec. 11. 1. At the first meeting of each fiscal year, the members of the Board shall elect a Chairman, Vice Chairman and Secretary-Treasurer from among the members.*

*2. The Board shall meet at least quarterly and may meet at other times at the call of the Chairman or upon the written request of a majority of the members of the Board.*

*3. The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:*

*(a) The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.*

*(b) The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill,*

*Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.*

4. *A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.*

5. *Four members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.*

Sec. 12. *The Board shall:*

1. *Adopt a seal of which each court in this State shall take judicial notice;*

2. *Prepare and maintain a record of its proceedings and transactions;*

3. *Review and evaluate applications for the licensing of massage therapists;*

4. *Determine the qualifications and fitness of applicants;*

5. *Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;*

6. *Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*

7. *Investigate any complaints filed with the Board;*

8. *Impose any penalties it determines are required to administer the provisions of this chapter; and*

9. *Transact any other business required to carry out its duties.*

Sec. 13. 1. *The Board shall prepare and maintain a separate list of:*

(a) *Persons issued a license;*

(b) *Applicants for a license; and*

(c) *Persons whose licenses have been revoked or suspended by the Board.*

2. *The Board shall, upon request, disclose the information included in each list and may charge a fee for a copy of the list. The fee may not exceed the actual cost incurred by the Board to make a copy of the list.”.*

Amend sec. 14, page 5, by deleting lines 23 through 26 and inserting:

“6. *Establish the period within which the Board or its designee must report the results of the investigation of an applicant.”.*

Amend the bill as a whole by deleting sec. 15 and adding new sections designated sections 15 through 15.8, following sec. 14, to read as follows:

“Sec. 15. 1. *The Attorney General and his deputies are hereby designated as the attorneys for the Board.*

2. *The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.*

Sec. 15.2. 1. *The Board shall employ a person as the Executive Director of the Board.*



2. *The Executive Director serves as the chief administrative officer of the Board at a level of compensation set by the Board.*

3. *The Executive Director is an at-will employee who serves at the pleasure of the Board.*

Sec. 15.4. 1. *The Board may employ or contract with inspectors, investigators, advisers, examiners and clerks and any other persons required to carry out its duties and secure the services of attorneys and other professional consultants as it may deem necessary to carry out the provisions of this chapter.*

2. *Each employee of the Board is an at-will employee who serves at the pleasure of the Board. The Board may discharge an employee of the Board for any reason that does not violate public policy, including, without limitation, making a false representation to the Board.*

Sec. 15.6. *Except as otherwise provided in section 10 of this act, while engaged in the business of the Board:*

1. *Each member of the Board is entitled to receive a salary of not more than \$80 per day, as established by the Board; and*

2. *Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.*

Sec. 15.8. *The Board and any of its members and its staff and employees, including, without limitation, inspectors, investigators, advisers, examiners, clerks, counsel, experts, committees, panels, hearing officers and consultants, are immune from civil liability for any act performed in good faith and without malicious intent in the execution of any duties pursuant to this chapter.”*

Amend the bill as a whole by deleting sec. 18 and adding new sections designated sections 18 and 18.5, following sec. 17, to read as follows:

“Sec. 18. 1. *If a person is not licensed to practice massage therapy pursuant to this chapter, the person shall not:*

*(a) Engage in the practice of massage therapy; or*

*(b) Use in connection with his name the words or letters “L.M.T.,” “licensed massage therapist,” “licensed massage technician,” “M.T.,” “massage technician” or “massage therapist,” or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word “massage” or represent himself as licensed or qualified to engage in the practice of massage therapy.*

2. *If a person’s license to practice massage therapy pursuant to this chapter has expired or has been suspended or revoked by the Board, the person shall not:*

*(a) Engage in the practice of massage therapy; or*

*(b) Use in connection with his name the words or letters “L.M.T.,” “licensed massage therapist,” “licensed massage technician,” “M.T.,”*

“massage technician” or “massage therapist,” or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word “massage” or represent himself as licensed or qualified to engage in the practice of massage therapy.

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 18.5. 1. If the Board determines that a person has violated or is about to violate any provision of this chapter, the Board may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.”

Amend sec. 19, page 7, by deleting lines 19 through 22 and inserting: “to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending;

(5) Except as otherwise provided in section 21 of this act, a complete set of fingerprints and written permission”.

Amend sec. 19, page 7, by deleting lines 34 through 44 and inserting: “section 14 of this act and except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists.

3. If the Board determines that the examinations being administered pursuant to paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to”.

Amend sec. 19, page 8, by deleting line 5 and inserting: *“involving the applicant that would affect his suitability for licensure; and”*.

Amend sec. 19, page 8, by deleting lines 12 through 16 and inserting:

*“(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to section 14 of this act; and*

*(d) Maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.”*

Amend the bill as a whole by deleting sections 20 and 21 and adding new sections designated sections 20 and 21, following sec. 19, to read as follows:

*“Sec. 20. 1. The Board may issue a temporary license to practice massage therapy.*

*2. An applicant for a temporary license issued pursuant to this section must:*

*(a) Be at least 18 years of age; and*

*(b) Submit to the Board:*

*(1) A completed application on a form prescribed by the Board;*

*(2) The fees prescribed by the Board pursuant to section 25 of this act;*

*(3) Proof that he has successfully completed a program of massage therapy recognized by the Board pursuant to section 19 of this act;*

*(4) Proof that he:*

*(I) Has taken the examination required pursuant to section 19 of this act; or*

*(II) Is scheduled to take such an examination within 90 days after the date of application;*

*(5) An affidavit indicating that he has not committed any of the offenses for which the Board may refuse to issue a license pursuant to section 29 of this act;*

*(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:*

*(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and*

*(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending; and*

*(7) Except as otherwise provided in section 21 of this act, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

3. *A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.*

4. *A person who holds a temporary license:*

(a) *May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the Board;*

(b) *Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;*

(c) *Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed massage therapist; and*

(d) *Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.*

5. *As used in this section, “fully licensed massage therapist” means a person who holds a license to practice massage therapy issued pursuant to section 19 or 24 of this act.*

Sec. 21. 1. *The Board of Massage Therapists and the State Board of Cosmetology shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board of Massage Therapists for a license to practice pursuant to this chapter and who is also applying to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS, if both applications are filed not more than 60 days apart.*

2. *If a qualified applicant submits an application to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS and, not later than 60 days after that application, the applicant also submits an application to the Board of Massage Therapists for a license to practice pursuant to this chapter:*

(a) *The applicant is not required to submit a set of fingerprints to the Board of Massage Therapists if the applicant submitted a set of fingerprints with his application to the State Board of Cosmetology;*

(b) *The Board of Massage Therapists shall request from the State Board of Cosmetology a copy of any reports relating to a background investigation of the applicant;*

(c) *Upon receiving such a request, the State Board of Cosmetology shall provide to the Board of Massage Therapists any reports relating to a background investigation of the applicant; and*

(d) *The Board of Massage Therapists shall use the reports provided by the State Board of Cosmetology in reviewing the application for a license to practice pursuant to this chapter, except that the Board of Massage Therapists may conduct its own background investigation of the applicant if the Board of Massage Therapists deems it to be necessary.”.*

Amend sec. 22, page 9, by deleting lines 34 through 45 and inserting:

“Sec. 22. 1. In addition to the any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a massage therapist shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a massage therapist shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.”.

Amend sec. 22, page 10, by deleting lines 6 and 7 and inserting:

“3. A license as a massage therapist may not be issued or renewed by the Board if the applicant.”.

Amend the bill as a whole by deleting sections 24 and 25 and adding new sections designated sections 24 and 25, following sec. 23, to read as follows:

“Sec. 24. 1. Notwithstanding the provisions of section 19 of this act and except as otherwise provided in subsection 3, the Board may issue a license to an applicant who holds a current license to practice massage therapy issued by another state, territory or possession of the United States or the District of Columbia.

2. An applicant for a license issued by the Board pursuant to subsection 1 must submit to the Board:

- (a) A completed application on a form prescribed by the Board;
- (b) The fees prescribed by the Board pursuant to section 25 of this act;
- (c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and

(2) Whether he has been arrested or convicted, within the immediately preceding 10 years, for any crime involving violence, prostitution or any other sexual offense; and

(d) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy during the immediately preceding 10 years verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(2) Disciplinary proceedings relating to his license to practice massage therapy are not pending.

3. The Board shall not issue a license pursuant to this section unless the state, territory or possession of the United States or the District of Columbia in which the applicant is licensed had requirements at the time the license was issued that the Board determines are substantially equivalent to the requirements for a license to practice massage therapy set forth in this chapter.

Sec. 25. 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

<i>An examination established by the Board pursuant to this chapter</i>	\$600
<i>An application for a license</i>	300
<i>An application for a license without an examination</i>	300
<i>A background check of an applicant</i>	600
<i>The issuance of a license</i>	400
<i>The renewal of a license</i>	200
<i>The restoration of an expired license</i>	500
<i>The reinstatement of a suspended or revoked license</i>	500
<i>The issuance of a duplicate license</i>	75
<i>The restoration of an inactive license</i>	300

2. *The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.”.*

Amend sec. 27, page 12, by deleting lines 31 through 34 and inserting:  
“*adopted by the Board under section 14 of this act; and*  
*(c) The fee for renewal of the license prescribed by the Board”.*

Amend sec. 27, page 12, by deleting lines 38 through 42 and inserting:  
“*(a) Complies with the provisions of subsection 1; and*  
*(b) Submits to the Board the fees prescribed by the Board”.*

Amend sec. 29, page 14, line 18, after “*probation;*” by inserting “*or*”.

Amend sec. 29, page 14, by deleting lines 24 through 26 and inserting:  
“*licensed massage therapist.*”.

Amend the bill as a whole by deleting sections 30 through 32 and adding new sections designated sections 30 through 32, following sec. 29, to read as follows:

“Sec. 30. 1. *If any member of the Board or the Executive Director becomes aware of any ground for initiating disciplinary action against a holder of a license, the member or Executive Director shall file a written complaint with the Board.*

2. *The complaint must specifically:*

*(a) Set forth the relevant facts; and*

*(b) Charge one or more grounds for initiating disciplinary action.*

3. *As soon as practicable after the filing of the complaint, an investigation of the complaint must be conducted to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the holder of the license.*

Sec. 31. 1. *If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:*

*(a) Place the applicant or holder of the license on probation for a specified period or until further order of the Board;*

*(b) Administer to the applicant or holder of the license a public reprimand;*

*(c) Refuse to issue, renew, reinstate or restore the license;*

- (d) Suspend or revoke the license;*
- (e) Impose an administrative fine of not more than \$1,000 per day for each day for which the Board determines that a violation occurred;*
- (f) Require the applicant or holder of the license to pay the costs incurred by the Board to conduct the investigation and hearing; or*
- (g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.*

*2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.*

*3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.*

*4. The Board shall not issue a private reprimand.*

*Sec. 32. Notwithstanding any other statute to the contrary:*

*1. If the Board finds that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, temporarily suspend his license for a period not to exceed 30 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 30 days after the date on which the Board notifies the massage therapist of the temporary suspension.*

*2. If a massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director. Upon receiving such a report, the Executive Director shall immediately issue a cease and desist order temporarily suspending the license of the massage therapist. The temporary suspension of the license is effective immediately upon issuance of the cease and desist order and must not exceed 15 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 15 days after the date on which the Executive Director issues the cease and desist order.*

*3. If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist pending proceedings for disciplinary action, a court shall not stay that order.”.*

Amend the bill as a whole by deleting sec. 34 and adding new sections designated sections 34 and 34.5, following sec. 33, to read as follows:

“Sec. 34. 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 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 federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.*

Sec. 34.5. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act, if both applications are filed not more than 60 days apart.*

*2. If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license to practice pursuant to this chapter:*

*(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his application to the Board of Massage Therapists;*

*(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;*

*(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and*

*(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license to practice pursuant to this chapter.”.*

Amend the bill as a whole by deleting sections 56 through 59 and adding new sections designated sections 56 through 58, following section 55, to read as follows:

“Sec. 56. 1. Notwithstanding the provisions of sections 2 to 34, inclusive, of this act and except as otherwise provided in subsection 3, the Board of Massage Therapists may issue a license to practice massage therapy



to an applicant, without regard to whether the applicant meets the requirements set forth in section 19 of this act, if the applicant:

(a) Holds a current license to practice massage therapy issued before July 1, 2007, by a county, city or town of this State that regulates the practice of massage therapy; and

(b) Applies to the Board for a license before July 1, 2007.

2. An applicant who applies for a license from the Board pursuant to subsection 1 must submit to the Board:

(a) A completed application on a form prescribed by the Board;

(b) The fees prescribed by the Board pursuant to section 25 of this act; and

(c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and

(2) Whether he has been arrested or convicted, within the 10 years immediately preceding submission of the application, for any crime involving violence, prostitution or any other sexual offense.

3. If an applicant applies for a license from the Board pursuant to subsection 1 and the applicant does not have a criminal background investigation approved by a local law enforcement agency, the applicant must:

(a) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Submit to a background investigation conducted pursuant to section 19 of this act.

4. A license issued by the Board pursuant to subsection 1 shall be deemed to be a license issued by the Board pursuant to section 19 of this act.

5. A person who is licensed to practice massage therapy by a county, city or town in this State before July 1, 2007, must, if the person wishes to continue to practice massage therapy on and after July 1, 2007, hold a license to practice massage therapy issued by the Board.

6. Until July 1, 2007, if a person is licensed to practice massage therapy by a county, city or town in this State but the person does not hold a license to practice massage therapy issued by the Board, the person shall comply with:

(a) All ordinances and regulations of the county, city or town relating to the practice of massage therapy; and

(b) The provisions of sections 2 to 18, inclusive, 22, 23 and 25 to 34, inclusive, of this act.

Sec. 57. 1. As soon as practicable, the Governor shall appoint to the Board of Massage Therapists pursuant to sections 9 and 10 of this act:

(a) Two members whose terms expire on June 30, 2007;

(b) Three members whose terms expire on June 30, 2008;

(c) Two members whose terms expire on June 30, 2009; and

(d) One nonvoting advisory member whose term expires on June 30, 2009,

except that no member may begin serving a term sooner than July 1, 2005.

2. Notwithstanding the provisions of section 9 of this act, each massage therapist who is appointed to the Board of Massage Therapists to an initial term pursuant to subsection 1 is not required to hold a license issued pursuant to sections 2 to 34, inclusive, of this act at the time of appointment but must be eligible for such a license at the time of appointment.

Sec. 58. 1. This act becomes effective upon passage and approval for the purposes of:

(a) The Governor appointing members to the Board of Massage Therapists; and

(b) The Board and its members and employees performing any organizational, preparatory or preliminary administrative tasks that are necessary to carry out the provisions of this act,

and on October 1, 2005, for all other purposes.

2. Sections 22 and 23 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational or recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 250.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 496.

The following Senate amendment was read:

Amendment No. 870.

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. 1. *The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, if both applications are filed not more than 60 days apart.*

2. *If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy and, not later than 60 days*

after that application, the applicant also submits an application to the Board for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 3. 1. The Board may, without examination, issue a limited license to a person currently licensed as a cosmetologist in another state or territory of the United States or the District of Columbia who intends to practice cosmetology in this State in the limited manner set forth in this section.

2. A limited license issued pursuant to this section authorizes the holder of the limited license to practice cosmetology in this State:

(a) In a resort hotel and in other types of locations the Board designates by regulation; and

(b) For not more than five periods, of not more than 10 days each, during any 1-year period for which the license is issued or renewed.

3. To apply for a limited license pursuant to this section, an applicant must submit to the Board:

(a) An application which includes the name of the applicant and the number or other designation identifying the applicant's license from the other jurisdiction;

- (b) Any other information required by the Board; and*
- (c) An application fee of \$100.*

*4. The Board may issue a limited license pursuant to this section for not more than 1 year and may renew the limited license annually. A limited license expires 1 year after its date of issuance.*

*5. A holder of a limited license may renew the limited license on or before the date of its expiration. To renew the limited license, the holder must:*

- (a) Apply to the Board for renewal; and*
- (b) Submit an annual renewal fee of \$100.*

*6. Not less than 5 days before practicing cosmetology in this State pursuant to a limited license, the holder of a limited license shall notify the Board in writing of the holder's intention to practice cosmetology in this State. The notice must specify:*

- (a) The name and limited license number of the holder;*
- (b) The specific dates on which the holder will be practicing cosmetology in this State; and*
- (c) The name and address of the location at which the holder will be practicing cosmetology in this State.*

*7. A holder of a limited license is subject to the regulatory and disciplinary authority of the Board to the same extent as any other licensed cosmetologist for all acts relating to the practice of cosmetology which occur in this State.*

*8. The Board:*

- (a) Shall designate by regulation the types of locations, in addition to a resort hotel, at which a holder of a limited license may practice cosmetology in this State under a limited license.*
- (b) May adopt any other regulations as are necessary to carry out the provisions of this section.*

*9. As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865."*

Amend the title of the bill to read as follows:

"AN ACT relating to cosmetology; requiring the State Board of Cosmetology and local governmental entities to reduce duplication in the licensing procedure by sharing certain background information of persons who apply for a license to practice cosmetology and a license to practice massage therapy; providing for the issuance of a limited license to practice cosmetology under certain circumstances; and providing other matters properly relating thereto."

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 496.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 31.

The following Senate amendment was read:

Amendment No. 842.

Amend section 1, pages 2 and 3, by deleting lines 28 through 31 on page 2 and lines 1 through 13 on page 3, and inserting: *“disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station.”*.

Amend the bill as a whole by deleting sec. 2.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 31.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 201.

The following Senate amendment was read:

Amendment No. 839.

Amend sec. 2, page 3, line 13, by deleting “30” and inserting “50”.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 201.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 334.

The following Senate amendment was read:

Amendment No. 843.

Amend sec. 3, page 2, lines 5 and 6, by deleting: *“required by specific statute or federal law,”* and inserting: *“provided in subsection 2,”*.

Amend sec. 3, page 2, line 9, by deleting “agency.” and inserting: *“agency on or after January 1, 2007.”*.

Amend sec. 3, page 2, line 10, after “2.” by inserting: *“If the social security number of a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the social security number is maintained in a confidential manner and may only disclose the social security number as required:*

*(a) To carry out a specific state or federal law; or*

*(b) For the administration of a public program or an application for a federal or state grant.*

*3.”*

Amend sec. 3, page 2, line 15, by deleting “3.” and inserting “4.”.

Amend sec. 3, page 2, line 23, by deleting “4.” and inserting “5.”.

Amend sec. 3, page 2, line 32, by deleting “5.” and inserting “6.”.

Amend sec. 4, page 3, lines 7 and 14, after “*practicable*” by inserting: “, but not less than 30 days after the governmental agency knows or should have known of the breach.”.

Amend sec. 6, page 5, lines 11 and 18, after “*practicable*” by inserting: “, but not less than 30 days after the governmental agency knows or should have known of the breach.”.

Amend sec. 6, page 6, line 3, by deleting “1681a,” and inserting “1681a(p).”.

Amend sec. 6, page 6, by deleting line 12 and inserting: “damages, costs and reasonable attorney’s fees and, if the violation of this section was willful or intentional, for any punitive”.

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

“Sec. 7. NRS 616C.310 is hereby amended to read as follows:

616C.310 1. The Chief of the Hearings Division of the Department of Administration:

(a) May by regulation provide for specific procedures for the determination of contested cases.

(b) Shall develop a format to be used by hearing officers to indicate their findings in contested cases.

(c) Shall adopt regulations to provide for the redaction of personal identifying information of a person filing a claim for compensation from a document relating to the contested case of the person, unless the identity of the person is at issue. As used in this paragraph, “personal identifying information” means any information which would identify a person, including, without limitation, an address, a birth date or a social security number.

2. An insurer or employer may be represented in a contested case by private legal counsel or by any other agent.”.

Amend the title of the bill, thirteenth line, after “spyware;” by inserting: “requiring the Chief of the Hearings Division of the Department of Administration to adopt regulations to provide for the redaction of personal identifying information of a person filing a claim for certain compensation from certain documents;”.

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 843 to Assembly Bill No. 334.

Remarks by Assemblywoman Pierce.

Motion carried.

The following Senate amendment was read:

Amendment No. 1050.

Amend sec. 5, page 5, between lines 13 and 14, by inserting:

“3. As used in this section:

(a) “On-line bidding” has the meaning ascribed to it in NRS 332.047.

(b) “Spyware” does not include:

- (1) *An Internet browser;*
- (2) *Software for transmitting messages instantly that informs the user whether other users are on-line at the same time;*
- (3) *Software that is designed to detect or prevent the use of computer contaminants;*
- (4) *Software that is designed to detect fraudulent on-line bidding;*
- (5) *Software that is designed to prevent children from accessing pornography on the Internet;*
- (6) *Software that conducts remote maintenance or repair of a computer or its systems;*
- (7) *Software that is designed to manage or to perform maintenance on a network of computers;*
- (8) *Software for media players; and*
- (9) *Software that authenticates a user.”.*

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 1050 to Assembly Bill No. 334.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 871.

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 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.

2. An officer appointed by the Nevada Junior Livestock Show Board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the Board conducts.

3. In carrying out the provisions of chapter 565 of NRS, an inspector of the State Department of Agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure. ~~[The provisions of this subsection do not authorize any inspector to retire under the Public Employees’ Retirement System before having attained the minimum service age of 60 years.]”.~~

Amend sec. 2, page 2, line 11, by deleting “section 1” and inserting “section 2”.

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

“AN ACT relating to peace officers; repealing a provision concerning the retirement of inspectors of the State Department of Agriculture; expanding the membership of the Peace Officers’ Standards and Training”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to peace officers. (BDR 23-1326)”.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 345.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 371.

The following Senate amendment was read:

Amendment No. 840.

Amend sec. 2, page 4, line 23, by deleting “*The*” and inserting: “*After the report of the audit is filed by the local government, the*”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 8 as sections 3 through 7.

Amend sec. 4, page 7, line 6, by deleting ““AA”” and inserting ““AA-””.

Amend sec. 8, page 10, by deleting lines 8 through 11 and inserting:

“Sec. 7. This act becomes effective upon passage and approval.”.

Amend the title of the bill by deleting the fourth and fifth lines.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 371.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 425.

The following Senate amendment was read:

Amendment No. 896.

Amend section 1, page 1, line 2, by deleting: “1.5 and 6” and inserting: “1.5, 6 and 6.5”.

Amend sec. 6, page 1, line 6, after “*shall*” by inserting “*continue to*”.

Amend the bill as a whole by adding a new section, designated sec. 6.5, following sec. 6, to read as follows:

“Sec. 6.5. 1. *Except as otherwise provided in subsection 3, before a person may request an amendment to a master plan, including, without limitation, a gaming enterprise district, in a county whose population is 100,000 or more, the person must hold a neighborhood meeting to provide an explanation of the proposed amendment.*”



2. Notice of a neighborhood meeting to be held pursuant to subsection 1 must be given by the person requesting the proposed amendment to:

(a) Each owner, as listed on the county assessor's records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a); and

(c) Each tenant of the mobile home park if that park is located within 750 feet of the area to which the proposed amendment pertains.

The notice must be sent by mail at least 10 days before the neighborhood meeting and include the time, place and purpose of the neighborhood meeting.

3. A local government in a county whose population is 100,000 or more may, by ordinance, establish a procedure by which a person who requests an amendment to a master plan may, in lieu of holding a neighborhood meeting, present information regarding the proposed amendment at a public hearing.”.

Amend sec. 7, page 2, line 12, by deleting: “1.5 and 6” and inserting: “1.5, 6 and 6.5”.

Amend sec. 9, page 2, line 22, by deleting “~~and~~” and inserting “and”.

Amend sec. 9, page 2, by deleting lines 28 through 31 and inserting “sound.”.

Amend sec. 10, page 4, by deleting lines 4 through 7 and inserting: “addresses, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.”.

Amend sec. 10, page 4, by deleting lines 18 through 27.

Amend sec. 13, page 6, line 22, by deleting “section 6” and inserting: “sections 6 and 6.5”.

Amend the bill as a whole by deleting sec. 14 and adding:

“Sec. 14. (Deleted by amendment).”.

Amend sec. 15, page 8, lines 41 and 45, by deleting “section 6” and inserting: “sections 6 and 6.5”.

Amend sec. 16, page 9, line 2, by deleting “1.”.

Amend sec. 16, page 9, line 4, by deleting “~~1-~~ (a)” and inserting “1.”.

Amend sec. 16, page 9, line 7, by deleting “~~2-~~ (b)” and inserting “2.”.

Amend sec. 16, page 9, line 12, by deleting “~~3-~~ (c)” and inserting “3.”.

Amend sec. 16, page 9, line 18, by deleting “~~4-~~ (d)” and inserting “4.”.

Amend sec. 16, page 9, by deleting lines 25 through 38 and inserting:

“(a) Address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts;

(b) Allow for a variety of uses ~~to describe~~;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses ; and ~~must be~~

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the”.

Amend sec. 16, page 9, line 40, by deleting “~~5.~~ (e)” and inserting “5.”.

Amend sec. 16, page 10, line 1, by deleting “~~(a)~~ (1)” and inserting “(a)”.

Amend sec. 16, page 10, line 4, by deleting “~~(b)~~ (2)” and inserting “(b)”.

Amend sec. 16, page 10, line 8, by deleting “~~(c)~~ (3)” and inserting “(c)”.

Amend sec. 16, page 10, line 12, by deleting “~~(d)~~ (4)” and inserting “(d)”.

Amend sec. 16, page 10, line 14, by deleting “~~(1)~~ (I)” and inserting “(1)”.

Amend sec. 16, page 10, line 16, by deleting “~~(2)~~ (II)” and inserting “(2)”.

Amend sec. 16, page 10, line 19, by deleting “~~6.~~ (f)” and inserting “6.”.

Amend sec. 16, page 10, line 26, by deleting “~~7.~~ (g)” and inserting “7.”.

Amend sec. 16, page 10, line 30, by deleting “~~8.~~ (h)” and inserting “8.”.

Amend sec. 16, page 10, by deleting lines 32 through 43.

Amend sec. 18, page 12, line 12, by deleting “*shadowing*,”.

Amend sec. 18, page 12, by deleting lines 14 and 15 and inserting: “*communities and gaming enterprise districts*.”

Amend sec. 18, page 13, line 27, by deleting: “*1.5 and 6*” and inserting: “*1.5, 6 and 6.5*”.

Amend sec. 19, page 13, lines 32 and 35, by deleting: “*1.5 and 6*” and inserting: “*1.5, 6 and 6.5*”.

Amend sec. 19, page 14, line 1, by deleting “*protect*” and inserting “*consider*”.

Amend sec. 19, page 14, by deleting lines 4 through 16 and inserting:

“(d) *To reduce the consumption of energy by encouraging the*”.

Amend sec. 19, page 14, line 19, by deleting “(i)” and inserting “(e)”.

Amend sec. 19, page 14, line 20, by deleting “(j)” and inserting “(f)”.

Amend sec. 19, page 14, line 22, by deleting “(k)” and inserting “(g)”.

Amend sec. 19, page 14, line 24, by deleting “(l)” and inserting “(h)”.

Amend sec. 19, page 14, line 28, by deleting “(m)” and inserting “(i)”.

Amend sec. 19, page 14, line 31, by deleting “(n)” and inserting “(j)”.

Amend sec. 19, page 14, line 35, by deleting “(o)” and inserting “(k)”.

Amend sec. 19, page 14, line 36, by deleting “(p)” and inserting “(l)”.

Amend sec. 19, page 14, line 39, by deleting “(q)” and inserting “(m)”.

Amend the bill as a whole by deleting sections 20 through 29 and adding:

“Secs. 20-29. (Deleted by amendment.)”.

Amend the title of the bill by deleting the second through the eighth lines and inserting: “types of development; requiring zoning regulations to protect certain resources and to ensure smart growth; requiring a person requesting an amendment to a master plan to hold a neighborhood meeting in certain circumstances; and”.

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 896 to Assembly Bill No. 425.

Remarks by Assemblywoman Pierce.

Motion carried.

The following Senate amendment was read:

Amendment No. 1069.

Amend the bill as a whole by deleting sec. 6.5 and adding:

“Sec. 6.5. (Deleted by amendment.)”.

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. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. *Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting must be given by the person requesting the proposed amendment to:*

*(a) Each owner, as listed on the county assessor’s records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;*

*(b) The owner, as listed on the county assessor’s records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a); and*

*(c) Each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains.*

*The notice must be sent by mail at least 10 days before the neighborhood meeting and include the date, time, place and purpose of the neighborhood meeting.*

3. The adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

~~{3-}~~ 4. No plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

~~{4-}~~ 5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f) of subsection 1 of NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to a change in the land use designated for a particular area if the change does not affect more than 25 percent of the area.

~~{5-}~~ 6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

~~{6-}~~ 7. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means.”

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning land use planning. (BDR 22-1084)”

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 1069 to Assembly Bill No. 425.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 526.

The following Senate amendment was read:

Amendment No. 1056.

Amend sec. 4, page 5, line 30, by deleting “year.” and inserting: “year, unless a school district does not have sufficient financial resources to provide the classroom space required for the elimination of team-teaching.”

Amend sec. 4, page 5, line 35, by deleting “team-teaching.” and inserting: “team-teaching if:

1. There is sufficient debt service rate that is remaining within the applicable statutory cap; and
2. The school district has first met the needs related to the increase in the enrollment of pupils within the school district and the needs for school renovation.”

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 526.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly recede from its action on Senate Bill No. 396.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 188.

The following Senate amendment was read:

Amendment No. 844.

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 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section or by specific statute:*

(a) *If a person or his agent provides the electronic mail address or telephone number of the person to a governmental entity for the purpose of or in the course of communicating with that governmental entity, the governmental entity may maintain the electronic mail address or telephone number in a database.*

(b) *A database described in this subsection:*

(1) *Is confidential;*

(2) *Is not a public book or record within the meaning of NRS 239.010;*  
*and*

(3) *Must not be disclosed in its entirety as a single unit.*

2. *The individual electronic mail address or telephone number of a person is not confidential and may be disclosed individually in accordance with applicable law if the person or his agent provides the electronic mail address or telephone number to a governmental entity:*

(a) *In the course of an existing business or contractual relationship with the governmental entity; or*

(b) *In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.*

3. *A governmental entity:*

*(a) Shall disclose in its entirety as a single unit a database described in subsection 1 in response to an order issued by a court of competent jurisdiction; and*

*(b) May disclose in its entirety as a single unit a database described in subsection 1 upon a finding by the governing body of the governmental entity that the disclosure of the database is necessary:*

*(1) To protect the public safety; or*

*(2) To assist in the investigation or prosecution of a crime.*

*4. The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address or telephone number of a person.*

*5. As used in this section, "telephone number" includes, without limitation, the telephone number for a facsimile machine or telecopier."*

Amend the title of the bill, second line, by deleting: "electronic mail addresses" and inserting "certain information".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides under certain circumstances that certain databases which contain certain information are confidential and not public records open for public inspection. (BDR 19-595)".

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 188.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 39.

The following Senate amendment was read:

Amendment No. 1084.

Amend the bill as a whole by deleting sections 10 and 11 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If any present or former state officer or employee is alleged to have violated any provision of this chapter, unless the state officer or employee retains his own legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee if:*

*(a) The state officer or employee submits a written request for defense in the manner provided in NRS 41.0339; and*

*(b) Based on the facts and allegations known to the Attorney General, the Attorney General determines that the act or omission on which the alleged violation is based:*

*(1) Appears to be within the course and scope of public duty or employment of the state officer or employee; and*

*(2) Appears to have been performed or omitted in good faith.*

2. *The Attorney General shall create a written record setting forth the basis for his determination of whether to defend the state officer or employee pursuant to paragraph (b) of subsection 1. The written record is not admissible in evidence at trial or in any other judicial or administrative proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.*

Sec. 11. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, *and section 10 of this act*, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.”

Amend the title of the bill to read as follows:

“AN ACT relating to government; providing a procedure for a bidder to file a notice of protest regarding certain contracts; expanding the criteria that may be used to select the lowest responsive and responsible bidder on certain contracts; expanding the types of contracts which by nature are not adapted to award by competitive bidding; requiring the Attorney General to defend a state officer or employee alleged to have committed an ethical violation under certain circumstances; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing purchasing by state and local governments and ethics in government. (BDR 27-560)”

Assemblyman Parks moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 39.

Remarks by Assemblyman Parks.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

The following Senate amendment was read:

Amendment No. 726.

Amend sec. 10, page 4, lines 8 and 10, by deleting “July” and inserting “October”.

Amend sec. 23, page 6, lines 41 and 42, by deleting “July” and inserting “October”.

Assemblyman Parks moved that the Assembly concur in the Senate Amendment No. 726 to Assembly Bill No. 418.

Remarks by Assemblyman Parks.

Motion carried.

The following Senate amendment was read:

Amendment No. 957.

Amend sec. 9, page 3, line 37, after “Used” by inserting: “only as approved pursuant to section 13 of this act and only”.

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

“Sec. 13. 1. A police department shall not expend proceeds received from any sales and use tax imposed pursuant to this act unless the expenditure has been approved by the body designated pursuant to this section for the approval of expenditures of that police department. The body designated pursuant to this section must approve the expenditure of the proceeds by the police department if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the police department.

2. The body designated to approve an expenditure for:

(a) The Boulder City Police Department is the City Council of the City of Boulder City;

(b) The Henderson Police Department is the City Council of the City of Henderson;

(c) The Las Vegas Metropolitan Police Department is the Metropolitan Police Committee on Fiscal Affairs;

(d) The Mesquite Police Department is the City Council of the City of Mesquite; and

(e) The North Las Vegas Police Department is the City Council of the City of North Las Vegas.

3. In determining whether a proposed use meets the requirement set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (a), (b), (d) or (e) of subsection 2, shall determine whether the percentage of the current budget of the city which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the percentage of the immediately preceding budget of that city which was expended for the support of the police department.

4. In determining whether a proposed use meets the requirements set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (c) of subsection 2 shall determine whether:

(a) The percentage of the current budget of the City of Las Vegas which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the average of the percentage of the five immediately preceding budgets of the city which were expended for the support of the police department; and

(b) The percentage of the current budget of the County which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the average of the



percentage of the five immediately preceding budgets of the County which were expended for the support of the police department.”.

Assemblyman Parks moved that the Assembly concur in the Senate Amendment No. 726 to Assembly Bill No. 418.

Remarks by Assemblyman Parks.

Motion carried.

The following Senate amendment was read:

Amendment No. 1100.

Amend sec. 9, page 3, line 29, after “2.” by inserting: “Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.

3.”.

Amend sec. 13, page 5, lines 28 and 29, by deleting: “percentage of the current budget of the city which is expended” and inserting: ”amount approved for expenditure by the body for the fiscal year”.

Amend sec. 13, page 5, line 31, by deleting “percentage of” and inserting: “amount approved for expenditure in”.

Amend sec. 13 page 5, line 32, by deleting: “budget of that city which was expended” and inserting “fiscal year”.

Amend sec. 13, pages 5 and 6, by deleting lines 38 through 45 on page 5 and lines 1 through 4 on page 6 and inserting:

“(a) The amount approved for expenditure by the City of Las Vegas for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and Clark County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of the operating and maintaining the police department apportioned to the City of Las Vegas for the fiscal year pursuant to NRS 280.201; and

(b) The amount approved for expenditure by the County for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and the County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of operating and maintaining the police department apportioned to the County for the fiscal year pursuant to NRS 280.210.”.

Assemblyman Parks moved that the Assembly concur in the Senate Amendment No. 1100 to Assembly Bill No. 418.

Remarks by Assemblyman Parks.  
Motion carried by a constitutional majority.  
Bill ordered to enrollment.

Assemblywoman Buckley moved that the Assembly recess until 2:00 p.m.  
Motion carried.

Assembly in recess at 11:36 a.m.

#### ASSEMBLY IN SESSION

At 2:26 p.m.  
Mr. Speaker presiding.  
Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

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

Assembly Resolution No. 11—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

#### UNFINISHED BUSINESS

##### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Horne, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 42.

Mr. Speaker appointed Assemblymen McClain, Koivisto, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 43.

Mr. Speaker appointed Assemblymen McCleary, Conklin, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 44.

Mr. Speaker appointed Assemblymen Conklin, Leslie, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 63.

Mr. Speaker appointed Assemblymen Leslie, Horne, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 327.

Mr. Speaker appointed Assemblymen Pierce, Horne, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 337.

Mr. Speaker appointed Assemblymen Buckley, McClain, and Sherer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 437.

Mr. Speaker appointed Assemblymen Anderson, Conklin, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 501.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 29, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen McClain, Buckley, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 29.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly recede from its action on Senate Bill No. 70.

Remarks by Assemblyman Conklin.

Motion carried.

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 80, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Parks, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 80.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 163, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Anderson, and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 163.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 174, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Conklin, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 174.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 224, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Denis, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 224.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its actions on Senate Bill No. 457, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Conklin, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 457.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 346.

The following Senate amendment was read:

Amendment No. 764.

Amend section 1, page 3, after line 43, by inserting:

*“11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:*

- (a) Commercial trucking;*
- (b) Environmental crimes;*
- (c) Explosives and pyrotechnics;*
- (d) Drugs or other controlled substances; or*
- (e) Any similar activity specified by the State Fire Marshal.”.*

Amend the title of the bill, third line, after “firemen;” by inserting: “authorizing the State Fire Marshal to participate in certain local, state or federal teams or task forces;”.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 346.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its actions on Senate Bill No. 394, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kirkpatrick, Giunchigliani, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 394.

GENERAL FILE AND THIRD READING

Assembly Bill No. 47.

Bill read third time.

Roll call on Assembly Bill No. 47:

YEAS—42.

NAYS—None.

Assembly Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblymen Goicoechea, Horne, Giunchigliani, Ocegüera, and Parnell.

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

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. Although I am very supportive of driver's education in high school, I am going to have to rise in opposition to this bill because of the fiscal impact it would create on some school districts that would have to provide driver's education in places like McDermitt, Jackpot, Austin, Gabbs, where you wouldn't have 20 kids in the program. How are they going to afford it? Thank you.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker. I rise in support of AB 77. I believe, in the bill, we did address the issues of the rurals. They won't be impacted. That was addressed in Committee and in Ways and Means. Check in the bill if you like.

ASSEMBLYMAN GOICOECHEA:

Thank you, to my colleague from southern Nevada. I don't see the exemption for any school district as the bill is presently written. I understand that there might be some funding made available, and I would like to see that placed on the record.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. We inserted, in the grant program, in Assembly Bill 525 that we passed and is over in Senate Finance, for allowance for the driver's education coverage. In addition, for the rural counties, we allowed for them to still use the community college. I took out the word "elective" so it does not have to be a credit class. Therefore, the students could take it on a Saturday during the day, early for early birds, late birds, and that gave the districts the additional flexibility. We were trying to accommodate the rurals, and I think in the initial hearing in Transportation they also made some additional language changes as well.

ASSEMBLYMAN GOICOECHEA:

Thank you. To my colleague from southern Nevada, I appreciate that. I was trying to get into the record the fact that there was some funding made available. However, these rural districts, I don't care whether it is on Saturday or whatever day of the week, or an elective or not, if you have to drive 100 miles to attend a driver's education class, it is not going to be very productive.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker. There are a few things that are done to correct that, actually. In Assembly Bill 52, the GDL bill, there is a 30-mile provision that is going to be put back in that will say if you can't get driver's education within 30 miles of that location, then you would be exempted. That was taken out on the Senate side, but in conference we will put it back in. Also, you are allowed to do that in a community college if it is not available at the high school. There is one more, and I can't think of it, but there are three or four provisions that try to address Mr. Goicoechea's concerns.

ASSEMBLYWOMAN PARNELL:

Thank you, Mr. Speaker. As a kind of rural legislator as well, I want to point out in Section 1 of the bill, page 3, paragraph (d), it does say that reasonable accommodations will be made for school districts with less than 50,000 population. I wanted to point that out. Thank you, Mr. Speaker.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. To my colleague from Carson City, I guess what concerns me is, what is reasonable?

Roll call on Assembly Bill No. 77:

YEAS—30.

NAYS—Angle, Carpenter, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Sherer, Weber—12.

Assembly Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Roll call on Assembly Bill No. 460:

YEAS—42.

NAYS—None.

Assembly Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 464:

YEAS—41.

NAYS—None.

NOT VOTING—Ohrenschall.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Roll call on Assembly Bill No. 499:

YEAS—42.

NAYS—None.

Assembly Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblymen Carpenter, Hardy, and Giunchigliani.

Roll call on Assembly Bill No. 500:

YEAS—31.

NAYS—Angle, Carpenter, Christensen, Goicoechea, Grady, Hardy, Holcomb, Mabey, Marvel, Sherer, Weber—11.

Assembly Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 562.

Bill read third time.

Roll call on Assembly Bill No. 562:

YEAS—42.

NAYS—None.

Assembly Bill No. 562 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 568.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 568:

YEAS—42.

NAYS—None.

Assembly Bill No. 568 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Roll call on Assembly Bill No. 570:

YEAS—42.

NAYS—None.

Assembly Bill No. 570 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 571.

Bill read third time.

Roll call on Assembly Bill No. 571:

YEAS—42.

NAYS—None.

Assembly Bill No. 571 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 118 be taken from  
the General File and placed on the Chief Clerk's desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 512.

Bill read third time.

Roll call on Senate Bill No. 512:

YEAS—42.

NAYS—None.



Senate Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its actions on Senate Bill No. 386, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Denis, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 386.

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

Assembly in recess at 3:01 p.m.

ASSEMBLY IN SESSION

At 3:07 p.m.

Mr. Speaker presiding.

Quorum present.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its actions on Senate Bill No. 20, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Atkinson, Kirkpatrick, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 20.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its actions on Senate Bill No. 62, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.  
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Pierce, Parnell, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill 62.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its action on Senate Bill No. 302, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.  
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Smith, Anderson, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 302.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its action on Senate Bill No. 426, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.  
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Kirkpatrick, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 426.

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

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 3:16 p.m.

ASSEMBLY IN SESSION

At 5:13 p.m.  
Mr. Speaker presiding.  
Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, *Chairman*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 365, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 803 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA2, which is attached to and hereby made a part of this report.

GENIE OHRENSCHALL  
FRANCIS ALLEN  
SUSAN GERHARDT

*Assembly Conference Committee*

MAURICE E. WASHINGTON  
VALERIE WIENER  
DENNIS NOLAN

*Senate Conference Committee*

Conference Amendment No. CA2.

Amend sec. 2, page 2, line 5, by deleting “\$300,000” and inserting “\$350,000”.

Amend sec. 3, page 3, lines 11, 15, 24, 26 and 29, by deleting “\$300,000” and inserting “\$350,000”.

Amend sec. 4, page 4, line 29, by deleting “\$300,000,” and inserting “\$350,000.”

Amend sec. 5, page 8, line 20, by deleting “\$300,000” and inserting “\$350,000”.

Amend sec. 6, page 10, line 35, by deleting “\$300,000,” and inserting “\$350,000.”

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 365.

Remarks by Assemblywoman Ohrenschall.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 465, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 676 of the Senate be receded from and a reprint be created in accordance with this action which is attached to and hereby made a part of this report.

SUSAN GERHARDT  
JOHN C. CARPENTER  
BERNIE ANDERSON

*Assembly Conference Committee*

JOE HECK  
DENNIS NOLAN  
JOHN LEE

*Senate Conference Committee*

Assemblywoman Gerhardt moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 465.

Remarks by Assemblywoman Gerhardt.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved to suspend Joint Standing Rule No. 7.2 (c) by mutual consent of the Senate for the purpose of approving the return by the Assembly, to the Senate, of Senate Bill No. 328 and return by the Senate, to the Assembly, of Assembly Bill No. 210.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 333, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Giunchigliani, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 333.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 335, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Pierce and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 335.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 434, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Parks, and Sherer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 434.

GENERAL FILE AND THIRD READING

Assembly Bill No. 534.

Bill read third time.

Roll call on Assembly Bill No. 534:

YEAS—42.

NAYS—None.

Assembly Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 128.

The following Senate amendment was read:

Amendment No. 806.

Amend sec. 3, page 5, line 7, by deleting “*An*” and inserting: “*A telephone number and Internet website at which a person may obtain an*”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 128.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 118 be taken from the Chief Clerk's desk and placed on General File.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 118:

YEAS—41.

NAYS—Angle.

Senate Bill No. 118 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

**The Cowboy Hall of Fame**

ASSEMBLYMAN CARPENTER:

Thank you. I think we need to get started. I want to welcome you to the Cowboy Hall of Fame. This is the fourth induction Of the Assembly women and men and the support staff into the Nevada Legislature Cowboy Hall of Fame. Induction into the Cowboy Hall of Fame is a coveted award bestowed only on the most deserving. This year, because the urban cowboy, Wendell Williams, is no longer with us, I have enlisted the services of a real cowboy, our own Sergeant at Arms, Terry “Biscuit Roller” Sullivan. Terry, did you want to say something?

TERRY SULLIVAN:

Yes, thank you. First, I need to thank the Speaker for allowing me the unprecedented opportunity to speak on the Floor in the Chambers, and you, Mr. Carpenter, for asking me. I am terribly flattered. I need to say one more thing because I am not sure that anyone ever explained to you folks what a cowboy is. Being a cowboy may or may not have anything to do with riding a horse. You can be a cowboy and never ridden a horse, or you could have ridden a horse your whole life and not been a cowboy. Being a cowboy is a state of mind. It is being a gentleman or woman with ethics and loving a certain way of life that keeps you in the cowboy state of mind. Simply put, you gotta have heart.

ASSEMBLYMAN CARPENTER:

Thank you, Terry, that was great. I think, in order to get us in the cowboy mood, we should have a little western music.

ASSEMBLYMAN CARPENTER:

Thank you. The Assembly members who have been previously inducted, I would like you to stand as I read your name: John “Cowboy” Marvel, Rich “The Kid” Perkins, Lynn “Cool Hand” Hettrick, Chris “Bulldog” Giunchigliani, Moose “Brush Popper” Arberry, Bernard “Bubba” Anderson, Barbara “Buckaroo” Buckley, Genie “Legal Beagle” Ohrenschall, Mark “Range Rider” Manendo, and Steve “Fence Mender” Watson.

The preamble to our Buckaroo Cowboy Hall of Fame is “The Cowboy Way: Write it in your heart. Stand by the code and it will stand by you. Ask no more and give no less than honesty, courage, loyalty, generosity, and fairness, and never forget your constituent’s name.”

TERRY SULLIVAN:

The envelope please, for the first inductee of this most elite group of individuals. That would be Mrs. Ellen “Tin Teepee” Koivisto. Come on down.

Whereas Ellen “Tin Teepee” Koivisto, born in Morris, Minnesota, continuing her education at UNLV, and first elected to the Nevada Legislature in 1997, serving five special and five regular sessions by following the cowboy rule of “Acowboy always sets his hat upside down to catch all of God’s good luck.”

ASSEMBLYMAN CARPENTER:

Don’t you think Ellen is a great-looking cowgirl?

TERRY SULLIVAN:

Mrs Koivisto will soon be going down the road in her metal camper on wheels, thus the “Tin Teepee” cowboy name, but Mrs. Koivisto could also have been called “Puppy Kicker” Koivisto. It seems to me she hauled around here several days after her puppy-kicking episode. You said you tripped on it, though.

ASSEMBLYWOMAN KOIVISTO:

Yes, I did.

TERRY SULLIVAN:

That is your story.

ASSEMBLYMAN CARPENTER:

Our next inductee: Whereas, Kathy “Redneck Woman” McClain received her master’s degree from UNLV and has served her constituents for four regular and five special sessions at the Nevada Legislature by following the cowboy rule of “Cowgirl up or shut up.”

Now that “Redneck” McClain is in the Cowboy Hall of Fame, we expect her to rope and hogtie Woody Thorne from the Employees’ Benefit Board and keep him tied down until he cries, “Medicare.”

TERRY SULLIVAN:

And the next inductee is John “Fallon Goat Roper” Ocegüera.

ASSEMBLYMAN CARPENTER:

Oh, Biscuit Roller, we must stop the proceedings. The Pony Express just delivered a letter from Las Vegas. It is supposedly from Miss Rodeo America. The contents are questionable. I believe we need to call a cowboy caucus to sort things out.

TERRY SULLIVAN:

I couldn’t agree more.

ASSEMBLYMAN CARPENTER:

Well, we voted three to two to put the letter on record. Biscuit, you read your part and I will read my part. It may get so deep in here it will be above our boots.

TERRY SULLIVAN:

This is from Miss Rodeo Nevada.

*Dear Assemblyman Carpenter:*

*This letter is to serve as my official recommendation for Assemblyman John Ocegüera to be admitted to your Legislative Cowboy Hall of Fame.*

ASSEMBLYMAN CARPENTER:

*As you know Nevada is the official Rodeo State. As Miss Rodeo Nevada, 2004, I served as the official spokesperson for the professional sport of rodeo. Therefore, no one knows cowboys like I know cowboys, so take it from me, Assemblyman Ocegüera is a cowboy worthy of induction into any hall of fame.*

TERRY SULLIVAN:

Assemblyman Ocegüera was officially roped into hosting each Miss Rodeo Nevada State Queen since 2001 at the Nevada Legislature, which, in our world, makes him a true king of queens.

I have to make a comment here. I should have been hosting the rodeo queen. The last time she was here, I invited her out to the ranch and I did it in front of Mr. Ocegüera. She turned me down. I think I was too tall.

ASSEMBLYMAN CARPENTER:

*Assemblyman Ocegüera not only epitomizes the spirit of the West when wrangling livestock in the open range or in the Nevada Legislature, he always delivers the “cowboy up” attitude while conquering new territory.*

Well, what do you think, Biscuit? Does the letter help or hurt his chances?

TERRY SULLIVAN:

Well, I will tell you, there is just a lot of bull in that letter.

ASSEMBLYMAN CARPENTER:

There is a real lot of bull in it, and if she knows real cowboys the “Goat Roper” just can’t be one.

TERRY SULLIVAN:

Well, I already said what I thought about that.

ASSEMBLYMAN CARPENTER:

And the king of queens, what does that mean? Maybe there was more going on than just a little introduction. Well, we don’t want to disappoint Miss Rodeo Americ, so let’s do the induction. Come on up.

TERRY SULLIVAN:

Whereas, John “Fallon Goat Roper” Ocegüera, a native Nevadan, graduated at Western Nevada Community College, Truckee Meadows Community College, and UNLV twice, and was first elected to the Nevada Legislature in 2001, serving three regular and five special sessions by following the cowboy rule of “If you’ve done it, it ain’t braggin’.”

Mr. Ocegüera gets his handle from being a true Fallon goat roper. I knew he was the minute I saw the kind of hat he wore. Maybe it was the hat that put the rodeo queen on his side.

ASSEMBLYMAN CARPENTER:

Our next inductee: Whereas, Jerry “Mule Deer” Claborn, the co-founder of the Nevada Heavy Highway Committee, forty-four years as an operating engineer, and first elected to the Nevada Legislature in 1999, serving five special and four regular sessions by following the cowboy rule of “When in doubt, ask a horse.”

Whereas, “Mule Deer” Claborn has always wanted to be in the Cowboy Hall of Fame, with his official designation, the noose will only get tighter on Terry Crawford and Bud Radley.

TERRY SULLIVAN:

We are now looking for Sharron “Lone Rider” Angle. Whereas, Sharron “Lone Rider” Angle graduated from Reno’s Wooster High School and the University of Nevada, and first elected to the Nevada Legislature in 1999, serving five special and four regular sessions by following the cowboy rule of “Letting the cat out of the bag is a whole lot easier than putting it back in.”

I don’t think we really need to explain why Mrs. Angle’s new handle is “Lone Rider.” She personifies the independent spirit of the cowboy here.

ASSEMBLYMAN CARPENTER:

Our next inductee: Whereas, Sheila “Town Tamer” Leslie, a University of Nevada masterss graduate and first elected to the Nevada Legislature in 1999, serving five special and four regular sessions by following the cowboy rule of “Worry is like a rockin’ horse: It don’t get you nowhere.”

“Town Tamer” Leslie is now not only a member of the Cowboy Hall of Fame, but the official keeper of animals at UNR. Her duties are to feed and care for the cows every day.

TERRY SULLIVAN:

Where is “Git R Done” Parks? Whereas, David “Git R Done” Parks, a UNLV master in business administration graduate, Paradise Town chairman, and first elected to the Nevada Legislature in 1997, serving five regular and five special sessions by following the cowboy rule of “Advice is like castor oil; easy to give, but dreadful to take.”

“Git R Done” Parks seems to have his own way of doing things. It is apparent he believes that words that soak into your ears are whispered, not yelled. Mr. Parks, I don’t often give advice and I don’t think you spend much time herding cows, but if you ever do, my advice to you is always drink upstream from the herd.



ASSEMBLYMAN CARPENTER:

Our last inductee: Whereas, Harry “State Parks Rocketman” Mortenson, author of fourteen scientific publications, and first elected to the Nevada Legislature in 1997, serving five regular and five special sessions by following the cowboy rule of “Never approach a bull from the front, a horse from the rear, or a fool from any direction.”

“Parks Man” Mortenson now has his official Hall of Fame sheriff’s badge to keep them park boys in line and his historical objects historical.

That is all of the inductees that we are going to do this year. As you see, this is a very prestigious group. I want to thank Steve Watson and Robin Bates for doing the music and Marilyn Maxfield and the people from the Media Department. It is resolved by the Legislative Cowboy Hall of Fame that these eight members are recognized for their outstanding legislative service and following the cowboy way. Be it further resolved that Ellen “Tin Teepee” Koivisto, Kathy “Redneck Woman” McClain, John “Fallon Goat Roper” Ocegüera, Jerry “Mule Deer” Claborn, Sharron “Lone Rider” Angle, Sheila “Town Tamer” Leslie, David “Git R Done” Parks, and Harry “State Parks Rocketman” Mortenson are hereby inducted into the Nevada Assembly Cowboy Hall of Fame. Let’s give them all a hand.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 103 and 312; Senate Bills Nos. 4, 26, 32, 41, 64, 83, 99, 102, 104, 134, 146, 150, 155, 172, 214, 234, 235, 262, 267, 287, 293, 303, 343, 347, 411, 415, 421, 422, 432, 444, 450, 452, 458, 466, 488, and 489.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Boyd, Edwin Cabrera, Jennifer Chacon, Anel Contreras, Shaylea Douglas, Nicole Dressler, Roberto Estrada, Jesus Felix, Joselinne Figueroa, Socorra Galindo, Wendee Giron, Jovani Guerrero, Cameron Hernandez, Melissa Izquierdo-Flores, Jake Jacob, Rogelio Lazaro, Veronica Madero, Marcos Olivia, Raul Pandeli, Jasmine Robinson, Jordan Ruiz-Chaparro, Stephanie Sotelo, Grecia Trejeda, Kelsey Thmpson, Osman Torres, Miss Pomajzl, Mrs. Gingras, Jonathan Aguilar, Alan Carrillo, Clifton Cook, Robert Courser, Trino De La Riva, Juan Miguel Diaz, Laura Diaz, Jose Galvan, Jose Garcia, Alicia Johnson, Mario Limon, Ciera Lucas, Cinthya Muro, Brenda Orozco, Kimberly Pineda, Jonathan Pinon, Lisseth Ramirez, Natalia Rivas, Juana Rivera, Ubaldo Ruiz Lopez, Brenda Salazar, Bernice Shoemaker, Felipe Silva, Melvin Valle, Ashley Wadsworth, Mrs. Shaw, Christian Aguilar, Selene Alcala, Cody Allen, Tyler Allen, Rubi Arellano Adame, Sean Austin, Alfredo Ayala, Rosa Cerda, Eduardo Cervantes, Javier Chagolla, Brieann Courser, Erik Cruz, Rinna Deluna, Gilberto Guzman, Michael Hunter, Nancy Jauregui, Tallia Jim, Daniel Johnson, Jose Lopez, Lizeth Magana, Jasmine Purisima, Rosalyn Rivera, Scott Sawatsky, Dezana Ware, Joseph Warren, Marisa Moses, Michelle Johnson, Amy Jim, Viola Morales, Lisa Johnson, Maria Vega, Andrea Ramirez, Mary Anne Thompson, and Marilyn Cervantes.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Acero, Habeeb Ali, Jessica Anderson, Brian Bickel, Cody Carpenter, Drake Zachary, Alexander Fernandez, Amber Gandara, Christoper Garcia, Dylan Geralds, Logan Hampton, Mikaela Powell, Kennea Rodriguez, Dylan Shirey, Debbie Mayer, Nicole Medeiros, Mary Jolly, Danielle Bennett, Anthony Burchett, Evan Carlson, Aaron Cowee, Hunter Hewitt, Megan Kelly, Jusdan Mondragon, Makayah Sargent, Travis Summers, Alex Terpening, Nathalie Wuebkes, Hemery Mosqueda-Ramirez, Casandra Mansfield, Rachel Streeter, Julianna Masters, Lori Millard-Streeter, Carlson, Mrs. Jeanette Kelly, Brandi Colunga, Chris Bridwell, Cindy Fontenot, and Rabila Ali.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Dreher.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, June 3, 2005, at 10:00 a.m.

Motion carried.

Assembly adjourned at 5:30 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE  
*Chief Clerk of the Assembly*

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