

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 5, 2005

Senate called to order at 10:08 a.m.

President pro Tempore Amodei presiding.

Roll called.

All present.

Prayer by Senator Washington.

Dear Heavenly Father,

We thank You for this day that You have allowed and for giving us the opportunity to participate in it.

Dear God, we give You praise and give You glory.

Dear God, we thank You for those who have worked and labored these 120 days.

We thank You for the Front Desk and those who work behind the scenes.

We thank You for each Legislator who has come bringing their influence, their desires and their diversities.

Thank You, O God, because we are about at the end of this Session. As we get ready to close out these last two days, we pray that You will give us wisdom and insight, that You will give us tolerance and patience, and that You will help us to close it out on a good note.

This we ask in Christ Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Finance, to which were referred Senate Bills Nos. 521, 522; Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which was referred Assembly Bill No. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK E. AMODEI, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 4, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 100, 103, 304, 391, 520.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 462, Amendments Nos. 944, 1171, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted, as amended, Assembly Concurrent Resolution No. 11.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1126 to Assembly Bill No. 154; Senate Amendment No. 698 to Assembly Bill No. 404; Senate Amendment No. 766 to Assembly Bill No. 458.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 17, Assembly Amendments Nos. 753, 1051, and requests a conference, and appointed Assemblymen Pierce, Parnell and Grady 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 Assembly on this day respectfully refused to recede from its action on Senate Bill No. 98, Assembly Amendment No. 1125, and requests a conference, and appointed Assemblymen Leslie, McClain and Weber 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 Assembly on this day respectfully refused to recede from its action on Senate Bill No. 221, Assembly Amendment No. 928, and requests a conference, and appointed Assemblymen Parnell, Hardy and Atkinson 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 Assembly on this day respectfully refused to recede from its action on Senate Bill No. 460, Assembly Amendment No. 970, and requests a conference, and appointed Assemblymen Giunchigliani, Smith and Seale 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 Assembly on this day appointed Assemblymen Ocegüera, Atkinson and Goicoechea as a first Conference Committee concerning Assembly Bill No. 505.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the first Conference Committees concerning Assembly Bills Nos. 51, 195, 221, 267, 437, 501.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 11.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 523—AN ACT relating to the taxation of business; reducing the rate of the tax on certain businesses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 524—AN ACT relating to projects of capital improvement; authorizing certain expenditures by the State Public Works Board; levying a property tax to support the consolidated bond interest and redemption fund; making appropriations; requiring the repayment for certain projects by certain state agencies; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Assembly Bill No. 385 be taken from its position on the General File and placed on the General File on the third agenda.

Remarks by Senator Townsend.

Motion carried.

Senator Townsend moved that the Conference Report concerning Assembly Bill No. 195 be taken from its position on Unfinished Business and placed on Unfinished Business on the third agenda.

Remarks by Senator Townsend.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President pro Tempore:

The first Conference Committee concerning Assembly Bill No. 267, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 697 of the Senate be receded from and a 3rd reprint be created in accordance with this action.

MAURICE E. WASHINGTON

VALERIE WIENER

DENNIS NOLAN

Senate Conference Committee

BERNIE ANDERSON

FRANCIS ALLEN

GENIE OHRENSCHALL

Assembly Conference Committee

Senator Washington moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 267.

Motion carried by a constitutional majority.

Mr. President pro Tempore:

The first Conference Committee concerning Assembly Bill No. 437, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 707 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 7, page 8, by deleting lines 44 and 45 and inserting:

"6. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 4.

7. As used in this section, "timely" means not later than 3 days after the landlord learns of a closure."

Amend the bill as a whole by renumbering sec. 10 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of law to the contrary, if a corporation for public benefit owns or leases a mobile home park:

(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in NRS 461A.215; and

(b) The provisions of NRS 461.215 govern the operation of the corporation and the mobile home park.

2. As used in this section:

(a) "Board of directors or trustees which controls the mobile home park" has the meaning ascribed to it in NRS 461A.215.

(b) "Owns or leases a mobile home park" has the meaning ascribed to it in NRS 461A.215.

Sec. 11. NRS 461A.215 is hereby amended to read as follows:

461A.215 1. ~~The board of directors of a mobile home park owned or leased by a nonprofit organization must consist of a number of members such that one third of the members of the board are elected by the residents of the park, one third of the members of the board are appointed by the governing body of the local government with jurisdiction over the location of the park and one third of the members of the board are appointed by the nonprofit organization owning or leasing the park.~~

~~2. Notwithstanding any provision of law to the contrary, if a nonprofit organization owns or leases a mobile home park:~~

~~(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in this section; and~~

~~(b) The provisions of this section govern the operation of the nonprofit organization and the mobile home park.~~

~~2. If a nonprofit organization owns or leases only one mobile home park, the board of directors or trustees which controls the mobile home park must be composed of:~~

~~(a) Three directors or trustees who are residents of the mobile home park and are elected by a majority of the residents who live in the mobile home park, with each unit in the mobile home park authorized to cast one vote;~~

~~(b) Except as otherwise provided in subsection 4, three directors or trustees appointed by the governing body of the local government with jurisdiction over the location of the mobile home park; and~~

~~(c) Three directors or trustees elected by a majority of the other directors or trustees selected pursuant to this subsection.~~

~~3. If a nonprofit organization owns or leases more than one mobile home park, the board of directors or trustees which controls the mobile home parks must be composed of:~~

~~(a) For each mobile home park, one director or trustee who is a resident of that mobile home park and is elected by a majority of the residents who live in that mobile home park, with each unit in the mobile home park authorized to cast one vote;~~

~~(b) Except as otherwise provided in subsection 4, one director or trustee appointed for each mobile home park by the governing body of the local government with jurisdiction over the location of that mobile home park; and~~

~~(c) For each mobile home park, one director or trustee elected by a majority of the other directors or trustees selected pursuant to this subsection.~~

~~4. The governing body of a local government with jurisdiction over the location of a mobile home park owned or leased by a nonprofit organization shall not appoint a director or trustee pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3 unless the land upon which the mobile home park is located or the improvements to that land are owned by any governmental entity, patented to any governmental entity or leased to the nonprofit organization by any governmental entity.~~

~~5. The term of office of a director or trustee selected pursuant to this section:~~

~~(a) Is 2 years, except that upon the expiration of his term of office he shall continue to serve until his successor is selected; and~~

~~(b) Commences on July 1 of each odd-numbered year.~~

~~6. Any vacancy occurring in the membership of the board of directors or trustees selected pursuant to this section must be filled in the same manner as the original election or appointment.~~

~~7. The Attorney General shall:~~

~~(a) Enforce the provisions of this section;~~

~~(b) Investigate suspected violations of the provisions of this section; and~~

~~(c) Institute proceedings on behalf of this State, an agency or political subdivision of this State, or as parens patriae of a person residing in a mobile home park:~~

~~(1) For injunctive relief to prevent and restrain a violation of any provision of this section;~~

~~and~~

~~(2) To collect any costs or fees awarded pursuant to the provisions of this section.~~

8. *The provisions of this section may be enforced with regard to a nonprofit organization or a mobile home park by:*

- (a) *The nonprofit organization;*
- (b) *The board of directors or trustees required to be selected pursuant to this section, or any member thereof;*
- (c) *A person who claims membership on the board of directors or trustees required to be selected pursuant to this section;*
- (d) *A resident of the mobile home park;*
- (e) *The local government with jurisdiction over the location of the mobile home park; or*
- (f) *Any combination of the persons described in paragraphs (a) to (e), inclusive.*

9. *In any action to enforce the provisions of this section, including, without limitation, an action to prevent or restrain a violation of the provisions of this section, if a person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section:*

- (a) *The court shall award the prevailing party costs and attorney's fees;*
- (b) *If the nonprofit organization which owns or leases a mobile home park participates in the action, the court shall award the nonprofit organization costs and attorney's fees; and*
- (c) *Costs and attorney's fees awarded pursuant to this section must be recovered from the person. If in the same action to enforce the provisions of this section, more than one person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section, each such person is jointly and severally liable for the costs and attorney's fees awarded pursuant to this section.*

10. *The provisions of this section do not apply to a corporate cooperative park.*

11. *As used in this section:*

- (a) *"Board of directors or trustees which controls the mobile home park" means:*
 - (1) *If the nonprofit organization which owns or leases a mobile home park does not own or operate any substantial asset that is unrelated to the mobile home park, the board of directors or trustees of the nonprofit organization; or*
 - (2) *If the nonprofit organization which owns or leases a mobile home park owns or operates a substantial asset that is unrelated to the mobile home park, a board of directors or trustees which:*
 - (I) *Has full and independent control over the affairs of the nonprofit organization that are related to the mobile home park, including, without limitation, full and independent control over all policies, operation, property, assets, accounts and records of the nonprofit organization which are related to or derived from the park;*
 - (II) *Notwithstanding any provision of law to the contrary, exercises the powers described in sub-subparagraph (I) without being subject to any control by the board of directors or trustees of the nonprofit organization or any other person, group or entity within or related to the nonprofit organization; and*
 - (III) *If the nonprofit organization owns or leases more than one mobile home park, controls all of the mobile home parks owned or leased by the nonprofit organization.*
- (b) *"Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.*
- (c) *"Governmental entity" includes, without limitation, the Federal Government, this State, an agency or political subdivision of this State, a municipal corporation and a housing authority.*
- (d) *"Nonprofit organization" includes, without limitation, a corporation for public benefit.*
- (e) *"Owns or leases a mobile home park" means being the owner or lessee of:*
 - (1) *The land upon which the mobile home park is located; or*
 - (2) *The improvements to the land upon which the mobile home park is located."*

Amend the bill as a whole by renumbering sec. 11 as sec. 14 and adding a new section designated sec. 13, following sec. 10, to read as follows:

"Sec. 13. 1. Except as otherwise provided in subsection 2, if the provisions of NRS 461A.215, as amended by this act, apply to an organization in existence on the effective date of this section, the directors or trustees of the organization who are in office on the effective

date of this section shall be deemed to be authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act.

2. If the provisions of NRS 461A.215, as amended by this act, apply to an organization in existence on the effective date of this section and applied to the organization before the effective date of this section, and the directors or trustees were elected by the residents of the mobile home park or appointed by the governing body of the local government with jurisdiction over the location of the mobile home park pursuant to NRS 461A.215 before the effective date of this section, those directors or trustees elected by the residents or appointed by the governing body of the local government shall be deemed to be:

(a) Authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act; and

(b) The sole directors or trustees authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act."

Amend sec. 11, page 11, by deleting line 16 and inserting:

"Sec. 14. 1. This section and sections 10, 11 and 13 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, and 12 of this act become effective on July 1, 2005."

Amend the title of the bill, between lines 5 and 6, by inserting: "revising provisions governing the membership of the board of directors or trustees of certain mobile home parks;".

MICHAEL A. SCHNEIDER

MAGGIE CARLTON

JOHN J. LEE

Senate Conference Committee

BARBARA BUCKLEY

KATHY MCCLAIN

ROD SHERER

Assembly Conference Committee

Senator Schneider moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 437.

Motion carried by a constitutional majority.

REPORTS OF COMMITTEES

Mr. President pro Tempore:

Your Committee on Finance, to which was referred Senate Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1183.

Amend the bill as a whole by deleting sections 1 through 17 and adding new sections designated sections 1 through 45, following the enacting clause, to read as follows:

"Section 1. NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, ~~{before imposing sentence:}~~ *following the imposition of a sentence:*

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.230.

(b) Inform the defendant of the requirements for registration, including, but not limited to:

(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.240;

(2) The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(3) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(5) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form confirming that the requirements for registration have been explained to him.

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS 179D.200 to 179D.290, inclusive.

Sec. 2. NRS 176.0927 is hereby amended to read as follows:

176.0927 1. If a defendant is convicted of a sexual offense, the court shall, ~~before imposing sentence,~~ *following the imposition of a sentence:*

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.450.

(b) Inform the defendant of the requirements for registration, including, but not limited to:

(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

(2) The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(3) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(5) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form stating that the requirements for registration have been explained to him.

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS 179D.350 to 179D.550, inclusive.

Sec. 3. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the ~~district court in whose jurisdiction he resides~~ *sentencing court or the State Board of Parole Commissioners* for release from lifetime supervision. The *sentencing court or the Board* shall grant a petition for release from a special sentence of lifetime supervision if:

(a) *The person has complied with the requirements of the provisions of NRS 179D.350 to 179D.550, inclusive;*

(b) *The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least ~~15~~ 10 consecutive years after his last conviction or release from incarceration, whichever occurs later; and*

~~[(b)]~~ (c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless he is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.350 to 179D.800, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" has the meaning ascribed to it in NRS 179D.060.

(b) "*Person professionally qualified to conduct psychosexual evaluations*" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 ~~or~~, 201.450 or 201.540 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~or~~, NRS 212.187 or 433.554;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 4. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) *Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;*

(b) Reside at a location only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of his current address;

~~[(b)]~~ (c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

~~[(c)]~~ (d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant;

~~[(d)]~~ (e) Participate in and complete a program of professional counseling approved by the Division;

~~[(e)]~~ (f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;

~~[(f)]~~ (g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;

~~[(g)]~~ (h) Abstain from consuming, possessing or having under his control any alcohol;

~~[(h)]~~ (i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;

~~[(i)]~~ (j) Not use aliases or fictitious names;

~~[(j)]~~ (k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant;

~~[(k)]~~ (l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact;

~~[(l)]~~ (m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

~~[(m)]~~ (n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

~~[(n)]~~ (o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant;

~~[(o)]~~ (p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant;

~~[(p)]~~ (q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant; and

~~[(q)]~~ (r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or

termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph ~~[(4)]~~ (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

- (a) The victim or the witness;
- (b) The defendant;
- (c) The parole and probation officer assigned to the defendant;
- (d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and
- (e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.410.

Sec. 5. Chapter 179A of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. *"Offender convicted of a crime against a child" has the meaning ascribed to it in NRS 179D.216.*

Sec. 7. *"Record of registration" has the meaning ascribed to it in NRS 179D.150.*

Sec. 8. *"Sex offender" has the meaning ascribed to it in NRS 179D.400.*

Sec. 9. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and sections 6, 7 and 8 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

- (a) Any which reflect records of conviction only; and
- (b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

- (a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the *information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives his written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:*

(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. *In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.*

6. Except as otherwise provided in ~~[this subsection,]~~ *subsection 5*, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom information is disseminated pursuant to ~~[this subsection.~~

~~5.]~~ *subsections 4 and 5.*

7. Records of criminal history must be disseminated by an agency of criminal justice upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

~~6.1~~ 8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 11. NRS 179A.105 is hereby amended to read as follows:

179A.105 An employer who fails to request :

1. *The information contained in a record of registration concerning a volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, as authorized pursuant to subsection 4 of NRS 179A.100; or*

2. *The information described in subsection 4 of NRS 179A.190 concerning ~~the criminal history of~~ a volunteer or prospective volunteer , as authorized pursuant to subsection ~~4~~ 5 of NRS 179A.100 ,*

➔ is not liable to a child served by the employer for civil damages suffered by the child as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child by such a volunteer or prospective volunteer.

Sec. 12. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this ~~subsection,~~ *section*, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if the information is provided for purposes of the administration of criminal justice, or for providing such information to the State Disaster Identification Team of the Division of Emergency Management of the Department.

3. The Central Repository shall not charge such a fee ~~for~~ :

(a) *For information relating to a person regarding whom the Central Repository provided a similar report within the immediately preceding 6 months in conjunction with the application by that person for professional licensure ~~;~~*

~~2.1~~; *or*

(b) *For information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child or records of criminal history requested by and provided to a nonprofit organization that is recognized as exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).*

4. *The Director may request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred*

by the Department to carry out the provisions of paragraph (b) of subsection 3.

5. All money received or collected by the Department pursuant to this section must be used to defray the cost of operating the Central Repository.

Sec. 13. Chapter 179B of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 17, inclusive, of this act.

Sec. 14. *"Community notification website" means the website on the Internet established and maintained by the Department pursuant to NRS 179B.250.*

Sec. 15. *Except as otherwise authorized pursuant to specific statute, a person shall not use information obtained from the community notification website for any purpose related to any of the following:*

1. *Insurance, including health insurance.*
2. *Loans.*
3. *Credit.*
4. *Employment.*
5. *Education, scholarships or fellowships.*
6. *Housing or accommodations.*
7. *Benefits, privileges or services provided by any business establishment.*

Sec. 16. *Any person who uses information obtained from the community notification website in violation of the provisions of NRS 179B.250 or section 15 of this act is liable:*

1. *In a civil action brought by or on behalf of a person injured by the violation, for damages, attorney's fees and costs incurred as the result of the violation; and*

2. *In a civil action brought in the name of the State of Nevada by the Attorney General, for a civil penalty not to exceed \$25,000 and for the costs of the action, including investigative costs and attorney's fees.*

Sec. 17. 1. *If there is reasonable cause to believe that a person or group of persons has engaged in or is about to engage in any act or practice, or any pattern of acts or practices, which involves the use of information obtained from the community notification website and which violates any provision of this section, NRS 179B.250 or section 15 or 16 of this act, the Attorney General may file an action for injunctive relief in the appropriate district court to prevent the occurrence or continuance of that act or practice or pattern of acts or practices.*

2. *An injunction pursuant to this section:*

(a) *May be issued without proof of actual damage sustained by any person; and*

(b) *Does not preclude or affect the availability of any other remedy including, without limitation, the criminal prosecution of a violator or the filing or maintenance of a civil action for damages or a civil penalty pursuant to section 16 of this act.*

Sec. 18. NRS 179B.010 is hereby amended to read as follows:

179B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179B.020 to 179B.140, inclusive, and *section 14 of this act* have the meanings ascribed to them in those sections.

Sec. 19. NRS 179B.100 is hereby amended to read as follows:

179B.100 "Requester" means a person who requests information from the ~~[program.]~~ *community notification website*.

Sec. 20. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall ~~[in a manner prescribed by the Director.]~~ establish *and maintain* within the Central Repository a ~~[program.]~~ *community notification website* to provide the public with access to certain information contained in the statewide registry ~~[The program may include, but is not limited to, the use of a secure website on the Internet or other electronic means of communication to provide the public with access to certain information contained in the statewide registry if such information is made available and disclosed]~~ in accordance with the procedures set forth in this section.

2. For each inquiry to the ~~[program.]~~ *community notification website*, the requester must provide:

- (a) The name of the subject of the search;
- (b) Any alias of the subject of the search;
- (c) The zip code of the residence, place of work or school of the subject of the search; or
- (d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

3. For each inquiry to the ~~[program.]~~ *community notification website* made by the requester, the Central Repository shall:

- (a) Explain the levels of notification that are assigned to sex offenders pursuant to NRS 179D.730; and
- (b) Explain that the Central Repository is prohibited by law from disclosing information concerning certain offenders, even if those offenders are listed in the statewide registry.

4. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository:

- (a) Shall disclose to the requester information concerning an offender who is assigned a *Tier 2 or Tier 3* level of notification.
- (b) ~~[Except as otherwise provided in this paragraph, may, in the discretion of the Department, disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification. The Central Repository shall not disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification if the offender:~~

- ~~(1) Has been released from actual custody for 10 years or more; and~~
- ~~(2) Has not been convicted of committing a sexual offense during the immediately preceding 10 years.~~

~~(e)}~~ Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.

5. After each inquiry to the ~~program~~ *community notification website* made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry;

(c) The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or

(d) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. If a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository ~~f~~:

~~(1) Shall inform the requester of the name or any alias of the offender and the zip codes of the residence, work place and school of the offender.~~

~~(2) Shall inform the requester of each offense for which the offender was convicted, describing each offense in language that is understandable to the ordinary layperson, and the date and location of each conviction.~~

~~(3) Shall inform the requester of the age of the victim and offender at the time of each offense.~~

~~(4) May, through the use of a secure website on the Internet or other electronic means of communication, provide the requester with a photographic image of the offender if such an image is available.~~

~~(5) Shall~~ *shall provide the requester with the following information:*

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides.

(6) The number of the street block, but not the specific street number, of any location where the offender is currently:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) *The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.*

(V) *The city, township or county where the offense was committed.*

(8) *The tier level of notification assigned to the offender.*

6. *If a search of the statewide registry results in a match pursuant to paragraph (d) of subsection 5, the Central Repository shall not provide the requester with any ~~other~~ information that is included in the record of registration for the offender ~~[-~~*

~~6.] other than the information required pursuant to paragraph (d) of subsection 5.~~

7. For each inquiry to the ~~[program,]~~ *community notification website*, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~[7.]~~ 8. A person may not use information obtained through the ~~[program]~~ *community notification website* as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~[8.]~~ 9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

Sec. 21. NRS 179B.300 is hereby amended to read as follows:

179B.300 1. Information in the statewide registry , *including information in the community notification website*, that is accessed or disclosed pursuant to the provisions of this chapter must not reveal the name of an individual victim of an offense.

2. The Central Repository and its officers and employees are immune from criminal or civil liability for an act or omission relating to information obtained, maintained or disclosed pursuant to the provisions of this chapter, including, but not limited to, an act or omission relating to:

(a) The accuracy of information in the statewide registry; or

(b) The disclosure of or the failure to disclose information in the statewide registry.

3. A law enforcement agency and its officers and employees are immune from criminal or civil liability for an act or omission relating to information obtained pursuant to the provisions of this chapter, including, but not limited to, an act or omission relating to:

(a) The accuracy of information obtained from the statewide registry; or

(b) The disclosure of or the failure to disclose information obtained from the statewide registry.

Sec. 22. Chapter 179D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Central Repository shall, in accordance with the requirements of this section, share information concerning sex offenders and offenders convicted of a crime against a child with:*

(a) *The State Gaming Control Board to carry out the provisions of NRS 463.335 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the State Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the State Gaming Control Board.*

(b) *The Department of Motor Vehicles to carry out the provisions of section 38 of this act.*

2. *The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.*

3. *The Central Repository shall share information pursuant to this section as expeditiously as possible under the circumstances.*

4. *The Central Repository may adopt regulations to carry out the provisions of this section.*

5. *As used in this section:*

(a) *"Offender convicted of a crime against a child" has the meaning ascribed to it in NRS 179D.216.*

(b) *"Sex offender" has the meaning ascribed to it in NRS 179D.400.*

Sec. 22.5. NRS 179D.035 is hereby amended to read as follows:

179D.035 "Convicted" includes, but is not limited to, an adjudication of delinquency or a finding of guilt by a court having jurisdiction over juveniles if the adjudication of delinquency or the finding of guilt is for the commission of any of the following offenses:

1. A crime against a child that is listed in subsection 6 of NRS 179D.210.

2. A sexual offense that is listed in subsection ~~19~~ 22 of NRS 179D.410.

3. A sexual offense that is listed in paragraph (b) of subsection 2 of NRS 62F.260.

Sec. 23. NRS 179D.290 is hereby amended to read as follows:

179D.290 ~~An~~

1. *Except as otherwise provided in subsection 2, an offender convicted of a crime against a child who:*

~~1-1~~ (a) Fails to register with a local law enforcement agency;

~~2-1~~ (b) Fails to notify the local law enforcement agency of a change of address;

~~{3-}~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~{4-}~~ (d) Otherwise violates the provisions of NRS 179D.200 to 179D.290, inclusive,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. *An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.*

Sec. 23.3. NRS 179D.400 is hereby amended to read as follows:

179D.400 1. "Sex offender" means a person who, after July 1, 1956, is or has been:

(a) Convicted of a sexual offense listed in NRS 179D.410; or

(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection ~~{19}~~ 22 of NRS 179D.410.

2. The term includes, but is not limited to:

(a) A sexually violent predator.

(b) A nonresident sex offender who is a student or worker within this State.

Sec. 23.7. NRS 179D.410 is hereby amended to read as follows:

179D.410 "Sexual offense" means any of the following offenses:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

2. Sexual assault pursuant to NRS 200.366.

3. Statutory sexual seduction pursuant to NRS 200.368.

4. Battery with intent to commit sexual assault pursuant to NRS 200.400.

5. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

6. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

9. Incest pursuant to NRS 201.180.

10. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

11. Open or gross lewdness pursuant to NRS 201.210.
 12. Indecent or obscene exposure pursuant to NRS 201.220.
 13. Lewdness with a child pursuant to NRS 201.230.
 14. Sexual penetration of a dead human body pursuant to NRS 201.450.
 15. *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*
 16. Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.
 - ~~16.~~ 17. *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*
 18. *Abuse of a client in a mental health facility pursuant to NRS 433.554.*
 19. An attempt or conspiracy to commit an offense listed in subsections 1 to ~~15~~, inclusive.
 - ~~17.~~ 18, inclusive.
 20. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.
 - ~~18.~~ 21. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:
 - (a) A tribal court.
 - (b) A court of the United States or the Armed Forces of the United States.
 - ~~19.~~ 22. An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:
 - (a) A tribal court.
 - (b) A court of the United States or the Armed Forces of the United States.
 - (c) A court having jurisdiction over juveniles.
- Sec. 24. NRS 179D.550 is hereby amended to read as follows:
- 179D.550 ~~[A]~~
1. *Except as otherwise provided in subsection 2, a sex offender who:*
 - ~~1.~~ (a) Fails to register with a local law enforcement agency;
 - ~~2.~~ (b) Fails to notify the local law enforcement agency of a change of address;
 - ~~3.~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or
 - ~~4.~~ (d) Otherwise violates the provisions of NRS 179D.350 to 179D.550, inclusive,
 ↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.
 2. *An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the*

first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.

Sec. 24.3. NRS 179D.610 is hereby amended to read as follows:

179D.610 1. "Sex offender" means a person who, after July 1, 1956, is or has been:

- (a) Convicted of a sexual offense listed in NRS 179D.620; or
- (b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection ~~[19]~~ 22 of NRS 179D.620.

2. The term includes, but is not limited to:

- (a) A sexually violent predator.
- (b) A nonresident sex offender who is a student or worker within this State.

Sec. 24.7. NRS 179D.620 is hereby amended to read as follows:

179D.620 "Sexual offense" means any of the following offenses:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

2. Sexual assault pursuant to NRS 200.366.

3. Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony.

4. Battery with intent to commit sexual assault pursuant to NRS 200.400.

5. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

6. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony.

8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

9. Incest pursuant to NRS 201.180.

10. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony.

11. Open or gross lewdness pursuant to NRS 201.210, if punished as a felony.

12. Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony.

13. Lewdness with a child pursuant to NRS 201.230.

14. Sexual penetration of a dead human body pursuant to NRS 201.450.

15. *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*

16. Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

~~16.~~ 17. *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

18. *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

19. An attempt or conspiracy to commit an offense listed in subsections 1 to ~~15, inclusive.~~

~~17.~~ 18, inclusive.

20. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~18.~~ 21. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~19.~~ 22. An offense of a sexual nature committed in another jurisdiction and punished as a felony, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 25. NRS 179D.730 is hereby amended to read as follows:

179D.730 1. Except as otherwise provided in this section, the guidelines and procedures for community notification established by the Attorney General must provide for the following levels of notification, depending upon the risk of recidivism of the sex offender:

(a) If the risk of recidivism is low, the sex offender must be assigned a Tier 1 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall notify other law enforcement agencies that are likely to encounter the sex offender.

(b) If the risk of recidivism is moderate, the sex offender must be assigned a Tier 2 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraph (a) and shall notify schools and religious and youth organizations that are likely to encounter the sex offender.

(c) If the risk of recidivism is high, the sex offender must be assigned a Tier 3 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraphs (a) and (b) and shall notify the public

through means designed to reach members of the public who are likely to encounter the sex offender.

2. If the sex offender is assigned a Tier 2 or Tier 3 level of notification and the sex offender has committed a sexual offense against a person less than 18 years of age, the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide the appropriate notification for Tier 2 or Tier 3 and, in addition, shall notify:

(a) Motion picture theaters, other than adult motion picture theaters, which are likely to encounter the sex offender; and

(b) Businesses which are likely to encounter the sex offender and which primarily have children as customers or conduct events that primarily children attend. Notification pursuant to this subsection must include a copy of a photograph of the sex offender. As used in paragraph (a), "adult motion picture theater" has the meaning ascribed to it in NRS 278.0221.

3. ~~If the sex offender has been declared to be a sexually violent predator, the~~ A sex offender must be assigned a Tier 3 level of notification ~~if the sex offender has been:~~

(a) *Declared to be a sexually violent predator;*

(b) *Convicted of three or more sexually violent offenses, and at least two of the offenses were brought and tried separately;*

(c) *Convicted of two sexually violent offenses and one or more nonsexually violent offenses, and at least two of the offenses were brought and tried separately;*

(d) *Convicted of one sexually violent offense and two or more nonsexually violent offenses, and at least two of the offenses were brought and tried separately;*

(e) *Convicted of two sexually violent offenses, and both offenses were brought and tried separately, and the sex offender has been arrested on three or more separate occasions for commission of a sexually violent offense, a nonsexually violent offense or an associated offense; or*

(f) *Convicted of one sexually violent offense and one nonsexually violent offense, and both offenses were brought and tried separately, and the sex offender has been arrested on three or more separate occasions for commission of a sexually violent offense, a nonsexually violent offense or an associated offense.*

4. *The existence of the community notification website must not be construed to affect, in any manner, the responsibility to provide notification pursuant to this section.*

5. *As used in this section:*

(a) *"Associated offense" includes any of the following offenses:*

(1) *Harassment pursuant to NRS 200.571.*

(2) *Stalking or aggravated stalking pursuant to NRS 200.575.*

(3) *Any offense related to obscenity pursuant to NRS 201.235 to 201.254, inclusive.*

(4) *Any offense related to obscene, threatening or annoying telephone calls pursuant to NRS 201.255.*

(5) *Any offense related to burglary or invasion of the home pursuant to NRS 205.060 to 205.080, inclusive.*

(b) *"Nonsexually violent offense" means an offense that:*

(1) *Involves the use or threatened use of force or violence against the victim; and*

(2) *Is not a sexual offense as defined pursuant to NRS 179D.410.*

(c) *"Sexually violent offense" has the meaning ascribed to it in NRS 179D.420.*

Sec. 26. NRS 62F.250 is hereby amended to read as follows:

62F.250 Except as otherwise provided in NRS 62F.200 to 62F.260, inclusive:

1. If a child who has been adjudicated delinquent for a sexual offense or a sexually motivated act is not relieved of being subject to community notification as a juvenile sex offender before the child reaches 21 years of age, the juvenile court shall hold a hearing when the child reaches 21 years of age to determine whether the child should be deemed an adult sex offender for the purposes of registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive.

2. If the juvenile court determines at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court shall relieve the child of being subject to *registration and* community notification.

3. If the juvenile court determines at the hearing that the child has not been rehabilitated to the satisfaction of the juvenile court or that the child is likely to pose a threat to the safety of others, the juvenile court shall deem the child to be an adult sex offender for the purposes of registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive.

4. *In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is not likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:*

(a) *The number, date, nature and gravity of the act or acts committed by the child, including:*

(1) *Whether the act or acts were characterized by repetitive and compulsive behavior; and*

(2) *Whether the act or acts involved the use of a weapon, violence or infliction of serious bodily injury.*

(b) *The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.*

(c) *Whether psychological or psychiatric profiles indicate a risk of recidivism.*

(d) *The behavior of the child while subject to the jurisdiction of the juvenile court, including the behavior of the child during any period of confinement.*

(e) *Whether the child has made any recent threats against a person or expressed any intent to commit any crimes in the future.*

(f) *Any physical conditions that minimize the risk of recidivism, including physical disability or illness.*

(g) *Any other factor that the juvenile court finds relevant to the determination of whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is not likely to pose a threat to the safety of others.*

5. If a child is deemed to be an adult sex offender pursuant to this section, the juvenile court shall notify the Central Repository so the Central Repository may carry out the provisions for registration of the child as an adult sex offender pursuant to NRS 179D.450.

Sec. 27. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of sexual assault.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; *or*

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served. ~~}; or~~

~~(3) For a definite term of 40 years, with eligibility for parole beginning when a minimum of 15 years has been served.}~~

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison ~~};~~

~~(1) For life,} for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served. ~~}; or~~~~

~~(2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.}~~

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison ~~for~~:

(1) ~~For~~ for life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served. ~~for~~

(2) ~~For a definite term of 40 years, with eligibility for parole beginning when a minimum of 15 years has been served.~~

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; ~~for~~

(d) *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540;*

(e) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony ~~for~~; or

(f) *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

Sec. 28. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section, "battery" means any willful and unlawful use of force or violence upon the person of another.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; *or*

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been ~~served; or~~

~~(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

↪ as determined by the verdict of the jury, or the judgment of the court if there is no jury.

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category ~~B~~ A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of ~~[not more than 15 years.]~~ *life with the possibility of parole.*

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category ~~B~~ A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of ~~[not more than 15 years.]~~ *life with the possibility of parole.*

↪ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than \$10,000.

Sec. 29. NRS 200.730 is hereby amended to read as follows:

200.730 A person who knowingly and willfully has in his possession for any purpose any film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct:

1. For the first offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. For any subsequent offense, is guilty of a category ~~B~~ A felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of ~~[not more than 10 years.]~~ *life with the possibility of parole*, and may be further punished by a fine of not more than \$5,000.

Sec. 30. NRS 200.750 is hereby amended to read as follows:

200.750 A person punishable pursuant to NRS 200.710 or 200.720 shall be punished for a category A felony by imprisonment in the state prison:

1. If the minor is 14 years of age or older ~~[-~~

~~(a) For~~ *, for* life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served ~~[- or~~

~~(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,~~

↪ ~~],~~ and shall be further punished by a fine of not more than \$100,000.

2. If the minor is less than 14 years of age, for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and shall be further punished by a fine of not more than \$100,000.

Sec. 31. NRS 201.180 is hereby amended to read as follows:

201.180 Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void ~~[-]~~ who intermarry with each other ~~[-]~~ or who commit fornication or adultery with each other ~~[-]~~ shall be punished for a category ~~[B]~~ A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of ~~[not more than 10 years,]~~ *life with the possibility of parole*, and may be further punished by a fine of not more than \$10,000.

Sec. 32. NRS 201.195 is hereby amended to read as follows:

201.195 1. A person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature:

(a) If the minor actually engaged in such acts as a result and:

(1) The minor was less than 14 years of age, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

(2) The minor was 14 years of age or older, is guilty of a category ~~[D]~~ A felony and shall be punished ~~[as provided in NRS 193.130.]~~ *by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.*

(b) If the minor did not engage in such acts:

(1) For the first offense, is guilty of a gross misdemeanor.

(2) For any subsequent offense, is guilty of a category ~~[D]~~ A felony and shall be punished ~~[as provided in NRS 193.130.]~~ *by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.*

2. As used in this section, the "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

Sec. 33. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a child.

2. Except as otherwise provided in subsection 3, a person who commits lewdness with a child is guilty of a category A felony and shall be punished by imprisonment in the state prison for ~~[-]~~

~~(a) Life~~ *life* with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000 . ~~}; or~~

~~(b) A definite term of 20 years, with eligibility for parole after a minimum of 2 years has been served, and may further be punished by a fine of not more than \$10,000.~~

3. A person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

↪ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

4. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection 5 of NRS 200.366.

Sec. 34. NRS 201.450 is hereby amended to read as follows:

201.450 1. A person who commits a sexual penetration on the dead body of a human being is guilty of a category A felony and shall be punished by imprisonment in the state prison ~~};~~

~~(a) For~~ *for* life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served ~~};~~

~~(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served;~~

~~(c) By~~ , and shall be further punished by a fine of not more than \$20,000 . ~~}; or~~

~~(d) By both fine and imprisonment.~~

2. For the purposes of this section, "sexual penetration" means cunnilingus, fellatio or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including, without limitation, sexual intercourse in what would be its ordinary meaning if practiced upon the living.

Sec. 34.5. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Board shall not release on parole a prisoner convicted of an offense listed in subsection 5 unless a panel consisting of:

(a) The Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources or his designee;

(b) The Director of the Department of Corrections or his designee; and

(c) A psychologist licensed to practice in this State or a psychiatrist licensed to practice medicine in this State,

↪ certifies that the prisoner was under observation while confined in an institution of the Department of Corrections and does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. A prisoner who has been certified pursuant to subsection 1 and who returns for any reason to the custody of the Department of Corrections may not be paroled unless a panel recertifies him in the manner set forth in subsection 1.

3. The panel may revoke the certification of a prisoner certified pursuant to subsection 1 at any time.

4. This section does not create a right in any prisoner to be certified or to continue to be certified. No prisoner may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a prisoner pursuant to this section or for refusing to place a prisoner before a panel for certification pursuant to this section.

5. The provisions of this section apply to a prisoner convicted of any of the following offenses:

- (a) Sexual assault pursuant to NRS 200.366.
- (b) Statutory sexual seduction pursuant to NRS 200.368.
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.
- (d) Abuse or neglect of a child pursuant to NRS 200.508.
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (f) Incest pursuant to NRS 201.180.
- (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
- (h) Open or gross lewdness pursuant to NRS 201.210.
- (i) Indecent or obscene exposure pursuant to NRS 201.220.
- (j) Lewdness with a child pursuant to NRS 201.230.
- (k) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (l) *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*
- (m) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.
- ~~[(m)]~~ (n) *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*
- (o) *Abuse of a client in a mental health facility pursuant to NRS 433.554.*
- (p) An attempt to commit an offense listed in paragraphs (a) to ~~[(l)]~~, inclusive.
- ~~[(n)]~~ (m), inclusive.
- (q) *An offense that is determined to be sexually motivated pursuant to NRS 175.547.*
- (r) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 35. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for ~~the~~ :

(a) *The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110 ~~[-]~~ ; and*

(b) *The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.*

3. A person who ~~violates~~ commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of ~~a~~ :

(a) *If the violation constitutes a minor violation, a misdemeanor.*

(b) *If the violation constitutes a major violation, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

4. *For the purposes of prosecution of a violation by a person of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.*

5. *As used in this section:*

(a) *"Major violation" means a violation which poses a threat to the safety or well-being of others and which involves:*

(1) *The commission of any crime that is punishable as a gross misdemeanor or felony or any crime that involves a victim who is less than 18 years of age;*

(2) *The use of a deadly weapon, explosives or a firearm;*

(3) *The use or threatened use of force or violence against a person;*

(4) *Death or bodily injury of a person;*

(5) *An act of domestic violence;*

(6) *Harassment, stalking or threats of any kind; or*

(7) *The forcible or unlawful entry of a home, building, structure or vehicle in which a person is present.*

(b) *"Minor violation" means a violation that does not constitute a major violation.*

Sec. 36. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to

elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is ~~fa~~ :
 - (a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS ~~for the crime is an~~ ;
 - (b) A crime against a child as defined in NRS 179D.210;
 - (c) A sexual offense as defined in NRS 179D.410; or
 - (d) An act which constitutes domestic violence as set forth in NRS 33.018;
2. The crime is that of trafficking of a controlled substance;
3. The crime is a violation of NRS 484.379 or 484.3795;
4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;
5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;
6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or
7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 37. NRS 463.335 is hereby amended to read as follows:

463.335 1. The Legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the Board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees and independent agents in the State of Nevada; and

(b) Maintain confidential records of such information.

2. Except as otherwise provided in subsection 4, a person may not be employed as a gaming employee or serve as an independent agent unless he is temporarily registered or registered as a gaming employee pursuant to this section. An applicant for registration or renewal of registration as a gaming employee must file an application for registration or renewal of registration with the Board. Whenever a registered gaming employee, whose registration has not expired, has not been objected to by the Board, or has not been suspended or revoked becomes employed as a gaming employee at another or additional gaming establishment, he must file a change of employment notice within 10 days with the Board. The application for registration and change of employment notice must be filed through the licensee for whom the applicant will commence or continue working as a gaming employee, unless otherwise filed with the Board as prescribed by regulation of the Commission.

3. The Board shall prescribe the forms for the application for registration as a gaming employee and the change of employment notice.

4. An independent agent is not required to be registered as a gaming employee if he is not a resident of this State and has registered with the Board in accordance with the provisions of the regulations adopted by the Commission.

5. A complete application for registration or renewal of registration as a gaming employee or a change of employment notice received by a licensee must be mailed or delivered to the Board within 5 business days of receipt unless the date is administratively extended by the Chairman of the Board for good cause. A licensee is not responsible for the accuracy or completeness of any application for registration or renewal of registration as a gaming employee or any change of employment notice.

6. The Board shall immediately conduct an investigation of each person who files an application for registration or renewal of registration as a gaming employee to determine whether he is eligible for registration as a gaming employee. In conducting the investigation, two complete sets of the applicant's fingerprints must be submitted to the Central Repository for Nevada Records of Criminal History for:

(a) A report concerning the criminal history of the applicant; and

(b) Submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant.

➔ The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant. The fee for processing an application for registration or renewal of registration as a gaming employee may be charged only to cover the actual investigative and administrative costs related to processing the application and the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to process the fingerprints of an applicant pursuant to this subsection.

7. Upon receipt of a change of employment notice, the Board may conduct any investigations of the gaming employee that the Board deems appropriate to determine whether the gaming employee may remain registered as a gaming employee. The filing of a change of employment notice constitutes an application for registration as a gaming employee, and if the Board, after conducting its investigation, suspends or objects to the continued registration of the gaming employee, the provisions of subsections 11 to 17, inclusive, apply to such suspension by or objection of the Board. No fee may be charged by the Board to cover the actual investigative and administrative costs related to processing a change of employment notice.

8. Except as otherwise prescribed by regulation of the Commission, an applicant for registration or renewal of registration as a gaming employee is deemed temporarily registered as a gaming employee as of the date a complete application for registration or renewal of registration is submitted to the licensee for which he will commence or continue working as a gaming employee. Unless objected to by the Board or suspended or revoked, the

initial registration of an applicant as a gaming employee expires 5 years after the date employment commences with the applicable licensee or, in the case of an independent agent, 5 years after the date he contracts with an applicable licensee. Any subsequent renewal of registration as a gaming employee, unless objected to by the Board or suspended or revoked, expires 5 years after the expiration date of the most recent registration or renewal of registration of the gaming employee.

9. If, within 120 days after receipt by the Board of a complete application for registration or renewal of registration as a gaming employee, including classifiable fingerprints, or a change of employment notice, the Board has not notified the applicable licensee of any suspension or objection, the applicant shall be deemed to be registered as a gaming employee. A complete application for registration or renewal of registration as a gaming employee is composed of:

(a) The fully completed form for application for registration as a gaming employee prescribed in subsection 3;

(b) Two complete sets of the fingerprints of the applicant, unless directly forwarded electronically or by another means to the Central Repository for Nevada Records of Criminal History;

(c) The fee for processing the application for registration or renewal of registration as a gaming employee prescribed by the Board pursuant to subsection 6, unless otherwise prescribed by regulation of the Commission; and

(d) A completed statement as prescribed in subsections 1 and 2 of NRS 463.3351.

↪ If the Board determines after receiving an application for registration or renewal of registration as a gaming employee that the application is incomplete, the Board may suspend the temporary registration as a gaming employee of the applicant who filed the incomplete application. An applicant whose temporary registration is suspended shall not be eligible to work as a gaming employee until such time as he files a complete application.

10. A person who is temporarily registered or registered as a gaming employee is eligible for employment in any licensed gaming establishment in this State until such registration is objected to by the Board, expires or is suspended or revoked. The Commission shall adopt regulations to:

(a) Establish uniform procedures for the registration of gaming employees;

(b) Establish uniform criteria for objection by the Board of an application for registration; and

(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who is registered as a gaming employee and each person whose registration as a gaming employee has expired, was objected to by the Board, or was suspended or revoked. The system of records must be accessible by ~~licensees~~ :

(1) Licensees for the limited purpose of complying with subsection 2 [4]; and

(2) The Central Repository for Nevada Records of Criminal History for the limited purpose of complying with section 22 of this act.

11. If the Board, within the 120-day period prescribed in subsection 9, notifies:

- (a) The applicable licensee; and
- (b) The applicant,

↳ that the Board suspends or objects to the temporary registration of an applicant as a gaming employee, the licensee shall immediately terminate the applicant from employment or reassign him to a position that does not require registration as a gaming employee. The notice of suspension or objection by the Board which is sent to the applicant must include a statement of the facts upon which the Board relied in making its suspension or objection.

12. Any person whose application for registration or renewal of registration as a gaming employee has been suspended or objected to by the Board may, not later than 60 days after receiving notice of the suspension or objection, apply to the Board for a hearing. A failure of a person whose application has been objected to or suspended to apply for a hearing within 60 days or his failure to appear at a hearing of the Board conducted pursuant to this section shall be deemed to be an admission that the suspension or objection is well-founded, and the failure precludes administrative or judicial review. At the hearing, the Board shall take any testimony deemed necessary. After the hearing, the Board shall review the testimony taken and any other evidence, and shall, within 45 days after the date of the hearing, mail to the applicant its decision sustaining or reversing the suspension or the objection to the registration of the applicant as a gaming employee.

13. The Board may suspend or object to the registration of an applicant as a gaming employee for any cause deemed reasonable by the Board. The Board may object to or suspend the registration if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the Board with respect to any material fact contained in the application for registration as a gaming employee;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the Commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this State concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this State or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in

this State and which relates to the applicant's suitability or qualifications to work as a gaming employee;

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had registration as a gaming employee revoked or committed any act which is a ground for the revocation of registration as a gaming employee or would have been a ground for revoking registration as a gaming employee if the applicant had then been registered as a gaming employee.

↪ If the Board registers or does not suspend or object to the registration of an applicant as a gaming employee, it may specially limit the period for which the registration is valid, limit the job classifications for which the registered gaming employee may be employed and establish such individual conditions for the renewal and effectiveness of the registration as the Board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances.

14. Any applicant aggrieved by the decision of the Board may, within 15 days after the announcement of the decision, apply in writing to the Commission for review of the decision. Review is limited to the record of the proceedings before the Board. The Commission may sustain, modify or reverse the Board's decision. The decision of the Commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

15. The Chairman of the Board may designate a member of the Board or the Board may appoint a hearing examiner and authorize that person to perform on behalf of the Board any of the following functions required of the Board by this section concerning the registration or renewal of registration of gaming employees:

(a) Conducting a hearing and taking testimony;

(b) Reviewing the testimony and evidence presented at the hearing;

(c) Making a recommendation to the Board based upon the testimony and evidence or rendering a decision on behalf of the Board to sustain or reverse the suspension of or the objection to the registration of an applicant as a gaming employee; and

(d) Notifying the applicant of the decision.

16. Notice by the Board as provided pursuant to ~~{this section}~~ *subsections 1 to 15, inclusive*, is sufficient if it is mailed to the applicant's last known address as indicated on the application for registration as a gaming employee or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

17. Except as otherwise provided in this subsection, all records acquired or compiled by the Board or Commission relating to any application made pursuant to this section, all lists of persons registered as gaming employees, all lists of persons suspended or objected to by the Board and all records of the names or identity of persons engaged in the gaming industry in this State are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the Welfare Division of the Department of Human Resources pursuant to NRS 425.400 for information relating to a specific person who has applied for registration as a gaming employee or is registered as a gaming employee, the Board shall disclose to the Division his social security number, residential address and current employer as that information is listed in the files and records of the Board. Any record of the Board or Commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

18. *If the Central Repository for Nevada Records of Criminal History, in accordance with the provisions of section 22 of this act, provides the Board with the name and other identifying information of a registered gaming employee who is not in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person that, unless he provides the Board with verifiable documentation confirming that he is currently in compliance with the provisions of chapter 179D of NRS within 15 days after receipt of such notice, the Board shall, notwithstanding any other provisions of this section, conduct a hearing for the purpose of determining whether the registration of the person as a gaming employee must be suspended for noncompliance with the provisions of chapter 179D of NRS.*

19. *Notwithstanding any other provisions of this section, if a person notified by the Board pursuant to subsection 18 does not provide the Board, within the 15 days prescribed therein, with verifiable documentation establishing that he is currently in compliance with the provisions of chapter 179D of NRS, the Chairman of the Board shall, within 10 days thereof, appoint a hearing examiner to conduct a hearing to determine whether the person is, in fact, not in compliance with the provisions of chapter 179D of NRS. The hearing examiner shall, within 5 days after the date he is appointed by the Chairman, notify the person of the date of the hearing. The hearing must be held within 20 days after the date on which the hearing examiner is appointed by the Chairman, unless administratively extended by the Chairman for good cause. At the hearing, the hearing examiner may take any testimony deemed necessary and shall render a decision sustaining or reversing the findings of the Central Repository for Nevada Records of Criminal History. The hearing examiner shall notify the*

person of his decision within 5 days after the date on which the decision is rendered. A failure of a person to appear at a hearing conducted pursuant to this section shall be deemed to be an admission that the findings of the hearing examiner are well founded.

20. If, after conducting the hearing prescribed in subsection 19, the hearing examiner renders a decision that the person who is the subject of the hearing:

(a) Is not in compliance with the provisions of chapter 179D of NRS, the Board shall, notwithstanding any other provisions of this section:

(1) Suspend the registration of the person as a gaming employee;

(2) Notify the person to contact the Central Repository for Nevada Records of Criminal History to determine the actions that he must take to be in compliance with the provisions of chapter 179D of NRS; and

(3) Notify the licensee for which the person is employed as a gaming employee, in the manner prescribed in subsection 21, that the Board has suspended the registration of the person as a gaming employee and that the licensee must immediately terminate the person from employment or reassign him to a position that does not require registration as a gaming employee.

(b) Is in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person and the Central Repository for Nevada Records of Criminal History, in the manner prescribed in subsection 21, of the findings of the hearing examiner.

21. Notice as provided pursuant to subsections 18, 19 and 20 is sufficient if it is mailed to the person's last known address as indicated on the most recent application for registration as a gaming employee or the record of the hearing, or to the person at his place of gaming employment. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

22. The Board shall remove a suspension entered in accordance with subsection 20 and reinstate the registration of a person as a gaming employee upon receipt of verifiable documentation confirming that the person is currently in compliance with the provisions of chapter 179D of NRS.

Sec. 38. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall not issue a driver's license, commercial driver's license or identification card to an offender or renew the driver's license, commercial driver's license or identification card of an offender until the Department has received information submitted by the Central Repository pursuant to section 22 of this act or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. *If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:*

(a) *Shall not issue a driver's license, commercial driver's license or identification card to the offender or renew the driver's license, commercial driver's license or identification card of the offender; and*

(b) *Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.*

3. *A driver's license, commercial driver's license or identification card issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license or identification card, a renewal license or identification card and a renewal of an expired license or identification card, from the birthday nearest the date of issuance or renewal.*

4. *The Department may adopt regulations to carry out the provisions of this section.*

5. *As used in this section:*

(a) *"Central Repository" means the Central Repository for Nevada Records of Criminal History.*

(b) *"Offender" includes an "offender convicted of a crime against a child" as defined in NRS 179D.216 and a "sex offender" as defined in NRS 179D.400.*

Sec. 39. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) Except as otherwise provided in paragraph (e), a license to a person between the ages of 15 3/4 and 18 years if:

(1) He has completed a course:

(I) In automobile driver education pursuant to NRS 389.090; or

(II) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(2) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;

(3) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the training and experience required by subparagraphs (1) and (2); and

(4) He has held an instruction permit for at least:

(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;

(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or

(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.

(e) A license to a person who is between the ages of 15 3/4 and 18 years if:

(1) The public school in which he is enrolled is located in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000;

(2) The public school does not offer automobile driver education;

(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;

(4) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the experience required by subparagraph (3); and

(5) He has held an instruction permit for at least:

(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;

(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or

(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

10. *To any person who is not eligible for the issuance a license pursuant to section 38 of this act.*

Sec. 40. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS 483.247 ~~†~~ and *section 38 of this act*, every driver's license expires on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.010 to 483.630, inclusive, considered to have the anniversary of his birth fall on February 28.

2. Every license is renewable at any time before its expiration upon application and payment of the required fee.

3. The Department may, by regulation, defer the expiration of the driver's license of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the license of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

Sec. 41. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, *and who is not ineligible to receive an identification card pursuant to section 38 of this act*, is entitled to receive an identification card if he is:

(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or

(b) A seasonal resident who does not hold a valid Nevada driver's license.

2. The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person	
65 years of age or older	\$4
An original or duplicate identification card issued to a person	
under 18 years of age	3
A renewal of an identification card for a person under 18 years	
of age	3

An original or duplicate identification card issued to any other person 9

A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age 9

A new photograph or change of name, or both 4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 42. NRS 483.875 is hereby amended to read as follows:

483.875 1. Except as otherwise provided in NRS 483.870 ~~and~~ *and section 38 of this act*, an identification card and a renewal of an identification card issued pursuant to NRS 483.810 to 483.890, inclusive, expires on the fourth anniversary of the birthday of the holder of the identification card, measured from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.810 to 483.890, inclusive, considered to have the anniversary of his birth fall on February 28.

2. An identification card is renewable at any time before its expiration upon application and payment of the required fee.

Sec. 43. NRS 483.928 is hereby amended to read as follows:

483.928 A person who wishes to be issued a commercial driver's license by this State must:

1. Apply to the Department for a commercial driver's license;
2. In accordance with standards contained in regulations adopted by the Department:

(a) Pass a knowledge test for the type of motor vehicle he operates or expects to operate; and

(b) Pass a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle he operates or expects to operate;

3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908; ~~and~~

4. *Not be ineligible to be issued a commercial driver's license pursuant to section 38 of this act; and*

5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all

applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 44. NRS 179B.080 is hereby repealed.

Sec. 44.5. The amendatory provisions of section 34.5 of this act apply to any person who is subject to the provisions of NRS 213.1214 on or after July 1, 2005, whether or not the person was convicted before, on or after July 1, 2005.

Sec. 45. 1. This section and sections 3, 4, 27 to 36, inclusive, and 44.5 of this act become effective on July 1, 2005.

2. Sections 1, 2, 5 to 26, inclusive, and 37 to 44, inclusive, of this act become effective on July 1, 2006."

Amend the title of the bill to read as follows:

"AN ACT relating to offenders; revising the provisions concerning requirements for providing certain notices and information relating to sex offenders and offenders convicted of a crime against a child; revising the provisions pertaining to lifetime supervision of sex offenders; providing that the court must require a sex offender to consent to warrantless searches as a condition of probation or suspension of sentence under certain circumstances; allowing an employer to obtain certain information concerning sex offenders and offenders convicted of a crime against a child from the Central Repository for Nevada Records of Criminal History; requiring the Central Repository to provide certain information to nonprofit organizations without charge; requiring the Department of Public Safety to establish and maintain a community notification website to provide certain information to the public concerning certain sex offenders; clarifying the standard for determining whether a juvenile sex offender will be subject to registration and community notification as an adult sex offender; expanding the crimes that constitute a sexual offense for purposes of registration, community notification and determining certain penalties; increasing penalties for a second or subsequent violation of certain requirements concerning registration and notification of offenders convicted of a crime against a child; revising and increasing the penalties for certain sexual offenses; excluding sex offenders and offenders convicted of a crime against a child from participation in a program of sentencing diversion for alcoholics and drug addicts; providing that sex offenders and offenders convicted of a crime against a child may not renew their drivers' licenses, commercial drivers' licenses or identification cards if they are not in compliance with the requirements concerning offender registration; providing that sex offenders and offenders convicted of a crime against a child must renew their drivers' licenses, commercial drivers' licenses or identification cards annually; providing for suspension of the registration as a gaming employee of a sex offender or offender convicted of a crime against a child who is not in

compliance with the requirements concerning offender registration; making various other changes pertaining to sex offenders and offenders convicted of a crime against a child; providing penalties; and providing other matters properly relating thereto."

Amend the bill as a whole by adding the following Senators as primary joint sponsors: Senators Titus, Raggio, Nolan, Wiener and Mathews.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 521.

Bill read third time.

Remarks by Senator Coffin.

Senator Carlton disclosed that her husband is employed by Parole and Probation.

Roll call on Senate Bill No. 521:

YEAS—21.

NAYS—None.

Senate Bill No. 521 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 522.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 522:

YEAS—21.

NAYS—None.

Senate Bill No. 522 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 10:26 a.m.

SENATE IN SESSION

At 10:27 a.m.

President pro Tempore Amodei presiding.

Quorum present.

Senate Bill No. 524.

Bill read third time.

Roll call on Senate Bill No. 524:

YEAS—21.

NAYS—None.

Senate Bill No. 524 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 462.

Bill read third time.

Remarks by Senators Raggio and Townsend.

Roll call on Assembly Bill No. 462:

YEAS—16.

NAYS—Beers, Care, Heck, Titus, Wiener—5.

Assembly Bill No. 462 having received a constitutional majority,
Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 3 p.m.

Motion carried.

Senate in recess at 10:36 a.m.

SENATE IN SESSION

At 3:44 p.m.

President Hunt presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 95, 203, 314, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WARREN B. HARDY II, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 156.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 198, 554.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 149, Amendment No. 1175, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 687 to Assembly Bill No. 236; Senate Amendment No. 674 to Assembly Bill No. 427.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Conklin, Denis and Sibley as a first Conference Committee concerning Assembly Bill No. 314.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 63, 87, 380, 550.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 28.

Senator Amodei moved the adoption of the resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 525—AN ACT relating to public schools; apportioning the State Distributive School Account in the State General Fund for the 2005-2007 biennium; authorizing certain expenditures; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 198.

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

Motion carried.

Assembly Bill No. 554.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1186.

Amend sec. 3, page 4, by deleting lines 1 through 14 and inserting:

"4. *The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission's order, the Commission shall apply to the district court for an*

order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are:

- (a) In violation of constitutional, statutory or regulatory provisions;*
- (b) In excess of the statutory authority of the Commission;*
- (c) Made upon unlawful procedure;*
- (d) Affected by other error of law;*
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*
- (f) Arbitrary or capricious or characterized by abuse of discretion.*

➔ If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful discriminatory practice in housing or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more."

Amend sec. 4, page 4, by deleting lines 19 through 40 and inserting:

"Sec. 4. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons ~~reasonably to seek, obtain and hold employment and housing accommodations, and~~ reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, *sexual orientation*, national origin or ancestry.

2. *It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment and housing accommodations without discrimination, distinction or restriction in violation of federal law.*

3. It is recognized that the people of this State should be afforded full and accurate information concerning ~~actual and alleged~~ unlawful practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State."

Amend sec. 5, pages 4 and 5, by deleting lines 41 through 44 on page 4 and lines 1 through 16 on page 5, and inserting:

"Sec. 5. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

- 1. "Administrator" means the Administrator of the Commission.
- 2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.
- 3. "Disability" means, with respect to a person:
 - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

- (b) A record of such an impairment; or
- (c) Being regarded as having such an impairment.

4. "Member" means a member of the Nevada Equal Rights Commission.

5. "*Sexual orientation*" means *having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*

6. "*Unlawful discriminatory practice in housing*" means *a practice prohibited by NRS 118.100.*"

Amend sec. 6, page 5, by deleting lines 17 through 40 and inserting:

"Sec. 6. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. ~~{Order}~~ *If the Commission determines that a complaint may be meritorious, order its Administrator to :*

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin or ancestry, and may conduct hearings with regard thereto.

(b) With regard to employment and housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group in violation of federal law, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law."

Amend sec. 7, pages 5 and 6, by deleting lines 41 through 45 on page 5 and lines 1 through 5 on page 6, and inserting:

"Sec. 7. NRS 233.157 is hereby amended to read as follows:

233.157 The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter. The Commission shall adopt regulations setting forth the manner in which the Commission will process any such complaint and determine whether to hold an informal *settlement* meeting or conduct an investigation concerning the complaint. *If a complaint alleging an unlawful discriminatory practice in housing is not resolved at an informal settlement meeting, the Commission shall investigate any such complaint that it determines may be meritorious.*"

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. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit,

purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction ~~[because of race, religious creed, color, national origin, disability, ancestry, familial status or sex.]~~ in violation of federal law.

2. Nothing in this chapter shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract."

Amend sec. 15, pages 11 through 13, by deleting lines 39 through 45 on page 11, lines 1 through 44 on page 12 and lines 1 through 19 on page 13, and inserting:

"Sec. 15. NRS 118.100 is hereby amended to read as follows:

118.100 1. Except as otherwise provided in subsection 2, a person shall not ~~[, because of race, religious creed, color, national origin, disability, ancestry, familial status or sex.]~~ in violation of federal law:

(a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

(c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this paragraph, "dwelling" includes a house, room or unit described in subsection 2 or 3 of NRS 118.060.

(d) Represent to any person ~~[because of race, religious creed, color, national origin, disability, ancestry, familial status or sex]~~ that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

(e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person . ~~[of a particular race, religious creed, color, national origin, disability, ancestry, familial status or sex.]~~

(f) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of *his having exercised or enjoyed, or on account of* that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in this chapter.

(g) *If his business includes engaging in residential real estate-related transactions, discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction.*

(h) *Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting*

dwelling, or discriminate against such a person in the terms or conditions of such access, membership or participation.

2. The provisions of ~~{subsection 1 do not prohibit any act that is not prohibited by the provisions of the Fair Housing Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended.}~~ *this section do not:*

(a) Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.

(b) Prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(c) Regarding familial status, apply with respect to housing for older persons as defined in 42 U.S.C. § 3607.

3. *As used in this section, unless the context otherwise requires, "residential real estate-related transaction" means any of the following:*

(a) The making or purchasing of loans or providing other financial assistance for the purchasing, constructing, improving, repairing or maintaining of a dwelling.

(b) The making or purchasing of loans or providing other financial assistance secured by residential real estate.

(c) The selling, brokering or appraising of residential real estate."

Senator McGinness moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved to consider Unfinished Business at this time.

Remarks by Senator Raggio.

Motion carried.

Senator Amodei moved to consider the conference report for Senate Bill No. 20 on the next legislative day.

Remarks by Senator Amodei.

Motion carried.

UNFINISHED BUSINESS REPORTS OF CONFERENCE COMMITTEES

Madam President:

The first Conference Committee concerning Senate Bill No. 29, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 834 of the Assembly be concurred in.

JOSEPH J. HECK

WARREN B. HARDY II

MICHAEL A. SCHNEIDER

Senate Conference Committee

KATHY MCCLAIN

BARBARA BUCKLEY

FRANCIS ALLEN

Assembly Conference Committee

Senator Heck moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 29.

Remarks by Senator Heck.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Senate Bill No. 68, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 684 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend section 1, pages 1 and 2, by deleting lines 6 through 8 on page 1 and lines 1 through 5 on page 2, and inserting:

"surgical treatment of those patients . ~~[by photorefractive keratectomy or laser in situ keratomileusis.]~~".

BARBARA K. CEGAVSKE

DINA TITUS

JOSEPH J. HECK

Senate Conference Committee

KATHY MCCLAIN

PEGGY PIERCE

GARN MABEY

Assembly Conference Committee

Senator Cegavske moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 68.

Motion carried by a two-thirds majority.

Madam President:

The first Conference Committee concerning Senate Bill No. 296, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 942, 1042 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 29, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 6 through 10 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 432.100 to 432.130, inclusive, "Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 2. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by ~~[and in the Central Office of]~~ the Division.

2. The Central Registry must contain:

(a) The information in any *substantiated* report of child abuse or neglect made pursuant to NRS 432B.220, ~~[and the results, if any, of the investigation of the report.]~~

(b) Statistical information on the protective services provided in this State; and

(c) Any other information which the Division determines to be in furtherance of NRS 432.100 to 432.130, inclusive, *and section 1 of this act*, and 432B.010 to 432B.400, inclusive.

3. The Division may ~~designate a county hospital in each county whose population is 100,000 or more as a regional registry for the collection of information concerning the abuse or neglect of a child.~~ release information contained in the Central Registry to an employer:

(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons, ~~but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.~~

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

Sec. 3. NRS 432.110 is hereby amended to read as follows:

432.110 ~~The~~

1. Except as otherwise provided in subsection 2, the Division shall maintain a record of ~~the~~:

(a) The names and identifying data, dates and circumstances of any persons requesting or receiving information from the ~~central or regional registries and any~~ Central Registry; and

(b) Any other information which might be helpful in furthering the purposes of NRS 432.100 to 432.130, inclusive, *and section 1 of this act*, and 432B.010 to 432B.400, inclusive.

2. The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.

Sec. 4. NRS 432.120 is hereby amended to read as follows:

432.120 1. Information contained in the ~~central or regional registries or obtained for these registries~~ Central Registry must not be released unless the right of the applicant to the information is confirmed ~~and~~, the information concerning the report of abuse or neglect of the child has been reported pursuant to NRS 432B.310, the released information discloses ~~the nature of~~ the disposition of the case ~~for its current status~~.

2. ~~Unless an investigation of a report, conducted pursuant to NRS 432.100 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive, reveals some credible evidence of alleged abuse or neglect of a child, all information identifying the subject of a report must be expunged from the central and regional registries at the conclusion of the investigation or within 60 days after the report is filed, whichever occurs first. In all other cases, the record of the substantiated reports~~ and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the background investigation provides written authorization for the release of the information.

2. The information contained in the ~~central or regional registries~~ Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be ~~sealed no~~ deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 ~~+~~ years.

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the ~~central or regional registries~~ Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 is guilty of a misdemeanor."

Amend sec. 5, page 7, line 10, by deleting "expunge" and inserting "~~expunge~~ delete".

Amend the bill as a whole by renumbering sections 6 and 7 as sections 13 and 14 and adding new sections designated sections 11 and 12, following sec. 5, to read as follows:

"Sec. 11. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2, 5 and 6 and NRS 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(s) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; ~~for~~

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services ~~for~~; or

(u) *An employer in accordance with subsection 3 of NRS 432.100.*

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides child welfare services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

7. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

8. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

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

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

~~1~~ (a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

~~2~~ (b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

~~3~~ (c) The disposition of the case.

2. *An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance*

abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child.

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

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 7, to read as follows:

"Sec. 15. As soon as practicable after October 1, 2005, each county hospital that was designated as a regional registry for the collection of information concerning the abuse or neglect of a child pursuant to NRS 432.100 shall transfer any information that the county hospital collected for that purpose to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100."

Amend the title of the bill, first line, after "children;" by inserting: "revising the provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing an employer to obtain under certain circumstances certain information concerning whether a person has been found to have abused or neglected a child;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing abuse or neglect of children. (BDR 38-372)".

SANDRA J. TIFFANY

BONNIE PARNELL

STEVEN A. HORSFORD

SUSAN GERHARDT

MAURICE E. WASHINGTON

JOE HARDY

Senate Conference Committee

Assembly Conference Committee

Senator Tiffany moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 296.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Senate Bill No. 325, consisting of the undersigned members, has met and reports that:

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

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 21, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 54, pages 19 and 20, by deleting lines 33 through 45 on page 19 and lines 1 through 7 on page 20, and inserting:

"2. This chapter does not apply to:

(a) ~~[Associations created for the limited purpose of maintaining:~~

~~(1) The landscape of the common elements of a common interest community;~~

~~(2) Facilities for flood control; or~~

~~(3) Except as otherwise provided in NRS 116.31075,] A limited-purpose association,~~

except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; and

(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community."

Amend sec. 74.5, page 51, by deleting lines 1 through 31 and inserting:

"2. *Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community*

manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such member, officer, community manager or person."

MICHAEL A. SCHNEIDER

JOHN J. LEE

MAGGIE CARLTON

Senate Conference Committee

WILLIAM HORNE

FRANCIS ALLEN

MARK MANENDO

Assembly Conference Committee

Senator Schneider moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 325.

Motion carried by a two-thirds majority.

Madam President:

The first Conference Committee concerning Senate Bill No. 335, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 959 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 14, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 5.5, page 3, by deleting lines 25 through 33 and inserting:

"2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:"

Amend sec. 5.7, page 4, by deleting lines 25 through 33 and inserting:

"2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:"

Amend the title of the bill, fourth and fifth lines, by deleting: "or barber's apprentice".

MAGGIE CARLTON

JOE HECK

RANDOLPH J. TOWNSEND

Senate Conference Committee

MARCUS CONKLIN

SUSAN GERHARDT

Assembly Conference Committee

Senator Carlton moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 335.

Remarks by Senator Carlton.

Motion carried by a two-thirds majority.

Madam President:

The first Conference Committee concerning Senate Bill No. 338, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 815 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend the bill as a whole by deleting sec. 57 and adding a new section designated sec. 57, following sec. 56, to read as follows:

"Sec. 57. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a local government sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the local government shall require the domestic or foreign limited-liability company to submit a disclosure to the local government setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section:*

(a) *"Land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise.*

(b) *"Local government" means any political subdivision of this State, including, without limitation, any county, city, town, board, airport authority, regional transportation commission, fire protection district, irrigation district, school district or other special district that performs a governmental function."*

Amend the bill as a whole by deleting sections 58 through 60 and adding:

"Secs. 58-60. (Deleted by amendment)."

Amend the bill as a whole by deleting sec. 61 and adding a new section designated sec. 61, following sec. 60, to read as follows:

"Sec. 61. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the State Land Registrar sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the State Land Registrar shall require the domestic or foreign limited-liability company to submit a disclosure to the State Land Registrar setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise."*

Amend the bill as a whole by deleting sections 62 through 64 and adding:

"Secs. 62-64. (Deleted by amendment)."

Amend the bill as a whole by deleting sec. 65 and adding a new section designated sec. 65, following sec. 64, to read as follows:

"Sec. 65. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the System sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the Board of Regents shall require the domestic or foreign limited-liability company to submit a disclosure to the Board of Regents setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.

2. As used in this section, "land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise."

Amend the bill as a whole by deleting sec. 67 and adding a new section designated sec. 67, following sec. 66, to read as follows:

"Sec. 67. NRS 602.017 is hereby amended to read as follows:

602.017 1. No person may adopt any fictitious name which includes "Corporation," "Corp.," "Incorporated," or "Inc." in its title, unless that person is a corporation organized or qualified to do business pursuant to the laws of this State.

2. No person may adopt any fictitious name which includes "Limited-Liability Company," "Limited Liability Company," "Limited Company," or the abbreviations "L.L.C.," "L.C.," "LLC" or "LC" in its title, unless that person is a limited-liability company organized or registered to do business pursuant to the laws of this State.

3. No person may adopt any fictitious name which includes "Business Trust" or the abbreviation "B.T." or "BT" in its title unless that person is a business trust organized or registered to do business pursuant to the laws of this State.

4. No person may adopt any fictitious name which includes "Professional Corporation" or the abbreviation "Prof. Corp.," "P.C." or "PC," the word "Chartered" or the abbreviation "Chtd.," in its title unless that person is a professional corporation organized to do business pursuant to the laws of this State.

5. No person may adopt any fictitious name which includes "Professional Association," "Professional Organization" or the abbreviations "Prof. Ass'n" or "Prof. Org." in its title unless that person is a professional association organized to do business pursuant to the laws of this State.

6. No person may adopt any fictitious name which includes "Limited" or the abbreviation "Ltd.," in its title unless the person is a corporation, limited-liability company, registered limited-liability partnership, limited partnership or professional corporation organized, qualified or registered to do business pursuant to the laws of this State.

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

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

Amend the title of the bill by deleting the seventeenth through nineteenth lines and inserting: "requiring a domestic or foreign limited-liability company to disclose the names of certain owners of the domestic or foreign limited-liability company to the State, a local government or the Board of Regents of the University of Nevada under certain circumstances;"

MARK E. AMODEI

MAURICE E. WASHINGTON

TERRY CARE

Senate Conference Committee

BARBARA BUCKLEY

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

Senator Amodei moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 338.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 63, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 919 of the Senate be receded from and a 2nd reprint be created in accordance with this action.

JOSEPH J. HECK

WARREN B. HARDY II

MICHAEL A. SCHNEIDER

Senate Conference Committee

MARCUS CONKLIN

SHEILA LESLIE

HEIDI S. GANSERT

Assembly Conference Committee

Senator Heck moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 63.

Motion carried by a constitutional majority.

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

Motion carried.

Senate in recess at 4:01 p.m.

SENATE IN SESSION

At 4:12 p.m.

President Hunt presiding.

Quorum present.

Madam President:

The first Conference Committee concerning Assembly Bill No. 87, consisting of the undersigned members, has met and reports that:

No decision was reached.

RANDOLPH J. TOWNSEND

MAGGIE CARLTON

WARREN B. HARDY II

Senate Conference Committee

CHRIS GIUNCHIGLIANI

MARILYN KIRKPATRICK

SCOTT SIBLEY

Assembly Conference Committee

Senator Townsend moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 87.

Remarks by Senators Townsend, Care, Beers and Carlton.

Senator Townsend requested that his remarks be entered in the Journal.

Thank you, Madam President. What was confounding to the members of the Senate Committee on Finance was that the Senate amendment offered a higher increase for individuals in a shorter period. It was \$1.25 instead of \$1. The raise came in sooner than what was proposed by the Assembly in terms of the Constitutional provision.

The Senate amendment also maintained the jurisdiction over minimum wage in the State. It did not place it in the Constitution, did not abrogate our responsibility to the federal government. They would not agree that the public, under the Senate amendment, would have a right to vote on that. It perplexed us because the language was in the original bill we received whether we passed it or not. There is going to be another vote on this at the next election because it is a Constitutional amendment.

We offered the opportunity for the public to compare the two and to make a determination whether they wanted to change the Constitution or they wanted to remain in control of this at the statutory level. That is disappointing.

The Constitutional amendment that will be on the ballot and was in this bill also exempted organized bargaining units. If you look at the projections based on tying minimum wage to the CPI or \$1, which ever was greater, within 5 years, it made members of a bargaining unit a

second-class citizen. We felt strongly that all working people in the State of Nevada whether they are part of organized labor or an open-shop facility should be treated equally.

The exemption in the bill regarding health care was also troublesome. It created the incentive to pay people less if there was healthcare provided. Last year, this body processed an incentive for employers to provide health care by giving them a deduction dollar for dollar against the gross payroll tax. This amendment went in the opposite direction. I am disappointed that a dialogue could not be maintained.

This was the shortest conference committee meeting on record. They had no intention to discuss the seriously important issues with the three Senate members of the committee. The public spoke on the measure in the last election. Subsequently, research has been done that asked people if they knew if the various provisions other than the \$1 increase were in the measure they voted on. Seventy-two percent said "no" they had no idea that those provisions were in there. Because of the research, the public has had an opportunity to review the measure. We felt that the research piece gave us another view of what the public was looking for. We wanted to provide an opportunity by placing another option on the ballot. This conference report is not going to happen. It is disappointing.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Amodei moved to consider the conference report for Assembly Bill No. 195 on the next legislative day.

Remarks by Senator Amodei.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam President:

The first Conference Committee concerning Assembly Bill No. 380, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 895 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 4, pages 1 and 2, by deleting lines 11 through 15 on page 1 and lines 1 through 22 on page 2, and inserting:

"2. *The district board of health consists of:*

(a) Representatives selected by the following entities from among their elected members:

(1) Two representatives of the board of county commissioners;

(2) Two representatives of the governing body of the largest incorporated city in the county; and

(3) One representative of the governing body of each other city in the county; and

(b) The following representatives, selected by the elected representatives of the district board of health selected pursuant to paragraph (a), who shall represent the health district at large and who must be selected based on their qualifications without regard to the location within the health district of their residence or their place of employment:

(1) Two representatives who are physicians licensed to practice medicine in this State, one of whom is selected on the basis of his education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;

(2) One representative who is a nurse licensed to practice nursing in this State;

(3) One representative who has a background or expertise in environmental health or environmental health services; and

(4) *One representative of a business or from an industry that is subject to regulation by the health district."*

JOSEPH J. HECK

STEVEN A. HORSFORD

MIKE MCGINNESS

Senate Conference Committee

DAVID PARKS

SUSAN GERHARDT

VALERIE WEBER

Assembly Conference Committee

Senator Heck moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 380.

Remarks by Senator Heck.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 550, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1063 of the Senate be receded from and a 3rd reprint be created in accordance with this action.

DENNIS NOLAN

MICHAEL A. SCHNEIDER

MAURICE E. WASHINGTON

Senate Conference Committee

MARK MANENDO

JOHN C. CARPENTER

JOHN OCEGUERA

Assembly Conference Committee

Senator Nolan moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 550.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Cegavske, Beers and Mathews as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 98.

Madam President appointed Senators Cegavske, Nolan and Washington as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 221.

Madam President appointed Senators Washington, Cegavske and Mathews as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 460.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Finance, to which was referred Senate Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 274.

Bill read third time.

Remarks by Senator Amodei.

Roll call on Assembly Bill No. 274:

YEAS—21.

NAYS—None.

Assembly Bill No. 274 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 574.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 52, 64, 143, 239, 337, 505; Senate Bills Nos. 296, 338.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 574.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1201.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 4 and 5 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 353.2735 is hereby amended to read as follows:

353.2735 1. The Disaster Relief Account is hereby created as a special account in the Fund to Stabilize the Operation of the State Government. The Interim Finance Committee shall administer the Account.

2. The Division may accept grants, gifts or donations for deposit in the Account. Except as otherwise provided in subsection 3, money received from:

(a) A direct legislative appropriation to the Account;

(b) A transfer ~~of~~ *from the State General Fund in an amount equal to not more than 10 percent of the aggregate balance in the Fund to Stabilize the Operation of the State Government, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount, made pursuant to NRS 353.288; and*

(c) A grant, gift or donation to the Account,

↪ must be deposited in the Account. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the Account must, after deducting any applicable charges, be credited to the Account.

3. If, at the end of each quarter of a fiscal year, the balance in the Account exceeds 0.75 percent of the total amount of all appropriations from

the State General Fund for the operation of all departments, institutions and agencies of State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year, the State Controller shall not, until the balance in the Account is 0.75 percent or less of that amount, transfer any money in the Fund to Stabilize the Operation of the State Government from the State General Fund to the Account pursuant to the provisions of NRS 353.288.

4. Money in the Account may be distributed through grants and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive. Except as otherwise provided in NRS 353.276, such grants will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.

5. If the Governor declares a disaster, the State Board of Examiners shall estimate:

(a) The money in the Account that is available for grants and loans for the disaster pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive; and

(b) The anticipated amount of those grants and loans for the disaster.

↪ Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the Account for such grants and loans, all grants and loans from the Account for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the money in the Account that is available for grants and loans for the disaster. If the reduction of a grant or loan from the Account would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 2. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Fund to Stabilize the Operation of the State Government is hereby created as a special revenue fund. Except as otherwise provided in subsections 2 and 3, each year after the close of the fiscal year and before the issuance of the State Controller's annual report, the State Controller shall deposit to the credit of the Fund 40 percent of the unrestricted balance of the State General Fund, as of the close of the fiscal year, which remains after subtracting an amount equal to ~~5~~ 10 percent of all appropriations made from the State General Fund during that year for the operation of all departments, institutions and agencies of State Government and for the funding of schools.

2. The balance in the Fund , *excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount*, must not exceed 15 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be deposited in the Fund.

3. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Fund to Stabilize the Operation of the State Government during the previous quarter ~~+~~, *excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount created pursuant to NRS 414.135*. The State Controller shall not transfer more than \$500,000 for any quarter pursuant to this subsection.

4. Money from the Fund to Stabilize the Operation of the State Government may be appropriated only:

(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the appropriation is made; or

(b) If the Legislature and the Governor declare that a fiscal emergency exists.

Sec. 3. 1. Section 20 of Chapter 538, Statutes of Nevada 1997, at page 2544, is hereby repealed.

2. Sections 188 and 188.3 of Chapter 5, Statutes of Nevada 2003, 20th Special Session, at pages 236 and 237, respectively, are hereby repealed."

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

"Sec. 4. There is hereby appropriated for Fiscal Year 2005-2006 from the State General Fund to the Fund to Stabilize the Operation of the State Government created by NRS 353.288 the sum of \$37,000,000."

Amend sec. 2, page 1, by deleting lines 5 through 8 and inserting:

"Sec. 5. There is hereby appropriated for Fiscal Year 2006-2007 from the State General Fund to the Fund to Stabilize the Operation of the State Government created by NRS 353.288 the sum of \$34,000,000."

Amend sec. 3, page 1, by deleting lines 9 through 11 and inserting:

"Sec. 6. 1. This section and subsection 1 of section 3 of this act become effective upon passage and approval.

2. Subsection 2 of section 3 of this act becomes effective upon passage and approval and applies retroactively to January 1, 2005.

3. Sections 1, 2 and 4 of this act become effective on July 1, 2005.

4. Section 5 of this act becomes effective on July 1, 2006."

Amend the bill as a whole by adding the text of repealed sections, following sec. 3, to read as follows:

"

TEXT OF REPEALED SECTIONS

Section 20 of Chapter 538, Statutes of Nevada 1997:

Sec. 20. Notwithstanding the amendatory provisions of section 16 of this act, the state controller shall, at the end of the first quarter of the 1999-2000 fiscal year and at the end of the first quarter of each subsequent

fiscal year, transfer one-half of the interest earned during the previous quarter on the money in the fund to stabilize the operation of state government created pursuant to NRS 353.288 to the emergency assistance account created pursuant to section 18 of this act, in an amount not to exceed \$500,000 per year. Such a transfer must be made until the balance in the disaster relief fund created pursuant to section 8 of this act is sufficient to earn interest in an amount of at least \$500,000 annually. Thereafter, the interest earned on the money in the fund to stabilize the operation of state government must be transferred in accordance with the amendatory provisions of sections 8 and 16 of this act.

Section 188 of Chapter 5, Statutes of Nevada 2003, 20th Special Session:

Sec. 188. Notwithstanding the provisions of NRS 353.288:

1. After the close of the 2003-2004 Fiscal Year and after the close of the 2004-2005 Fiscal Year, the Interim Finance Committee shall determine the amount, if any, by which the total revenue from all sources to the State General Fund, excluding reversions to the State General Fund, exceeds:

(a) One hundred seven percent of the total revenue from all sources to the State General Fund as projected by the Nevada Legislature for the applicable fiscal year; and

(b) The total amount of all applicable contingent appropriations enacted for the 2003-2004 Fiscal Year and the 2004-2005 Fiscal Year by the Nevada Legislature for which the conditions for the contingent appropriations were satisfied.

2. Any excess amount of revenue determined pursuant to subsection 1 must be used as follows:

(a) An amount estimated by the Interim Finance Committee to pay for expenditures that will occur in the next biennium for which the corresponding expenditures in the current biennium were paid or are to be paid from a source other than the State General Fund, but for which the alternative source of revenue likely will not be available or will not be received during the biennium, must be used to replace previously used nonrecurring revenue. This amount must be accounted for separately in the State General Fund.

(b) The remaining excess amount of revenue must be transferred to the Fund to Stabilize the Operation of the State Government created by NRS 353.288, in such an amount that does not cause the balance in the Fund to exceed the limitation on that balance set forth in NRS 353.288.

(c) Any remaining excess amount of revenue must be transferred to the Fund for Tax Accountability created pursuant to section 188.3 of this act.

Section 188.3 of Chapter 5, Statutes of Nevada 2003, 20th Special Session:

Sec. 188.3. 1. The Fund for Tax Accountability is hereby created as a special revenue fund.

2. Money from the Fund may be appropriated only for the purpose of supplementing future revenue of this state to allow the reduction of the rate or amount of a tax or fee.

3. This section does not authorize a refund or other return of any tax or fee paid to this state pursuant to any statute or regulation in effect at the time the tax or fee was paid."

Amend the title of the bill to read as follows:

"AN ACT relating to state financial administration; revising certain provisions relating to the Fund to Stabilize the Operation of the State Government; repealing certain statutory provisions relating to excess revenue collected by the State during a fiscal year; making appropriations; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning state financial administration. (BDR S-1205)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1199.

Amend sec. 3, page 5, lines 18 and 38, by deleting "617.485," and inserting: "617.485 ~~+~~ and section 4 of this act,".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Chapter 617 of NRS is hereby amended by adding a new section to read as follows:

1. *Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if an employee has hepatitis, the disease is conclusively presumed to have arisen out of and in the course of his employment if the employee has been continuously employed for 5 years or more as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman in this State before the date of any temporary or permanent disability or death resulting from the hepatitis.*

2. *Compensation awarded to a police officer, or to the dependents of a police officer, for hepatitis pursuant to this section must include:*

(a) *Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization; and*

(b) *The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.*

3. *A police officer shall:*

(a) *Submit to a blood test to screen for hepatitis C upon employment and upon the commencement of coverage.*

(b) *If the employer of the police officer provides screening for hepatitis C for police officers on an annual basis, submit to a blood test to screen for hepatitis C thereafter on an annual basis during his employment.*

(c) *If the employer of the police officer provides screening for hepatitis A and hepatitis B for police officers, submit to a blood test to screen for hepatitis A and hepatitis B upon employment, upon the commencement of coverage and thereafter on an annual basis during his employment, except that a police officer is not required to submit to a blood test to screen for hepatitis A and hepatitis B on an annual basis during his employment if he has been vaccinated for hepatitis A and hepatitis B upon employment or at other medically appropriate times during his employment. Each employer shall provide a police officer with the opportunity to be vaccinated for hepatitis A and hepatitis B upon employment and at other medically appropriate times during his employment.*

4. *All blood tests required pursuant to this section and all vaccinations provided pursuant to this section must be paid for by the employer.*

5. *The provisions of this section:*

(a) *Except as otherwise provided in paragraph (b), do not apply to a police officer who is diagnosed with hepatitis upon employment.*

(b) *Apply to a police officer who is diagnosed with hepatitis upon employment if, during the employment or within 1 year after the last day of the employment, he is diagnosed with a different strain of hepatitis.*

(c) *Apply to a police officer who is diagnosed with hepatitis after the termination of the employment if the diagnosis is made within 1 year after the last day of the employment.*

6. *A police officer who is determined to be:*

(a) *Partially disabled from an occupational disease pursuant to the provisions of this section; and*

(b) *Incapable of performing, with or without remuneration, work as a police officer,*

may elect to receive the benefits provided pursuant to NRS 616C.440 for a permanent total disability.

7. *As used in this section:*

(a) *"Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.*

(b) *"Police officer" means any police officer other than a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman."*

Amend the bill as a whole by deleting sections 5 and 6, renumbering sec. 7 as sec. 9 and adding new sections designated sections 6 through 8, following sec. 4, to read as follows:

"Sec. 6. 1. There is hereby appropriated from the State General Fund to the Risk Management Division of the Department of Administration for blood tests to screen for hepatitis C pursuant to section 4 of this act:

For the Fiscal Year 2005-2006..... \$61,845

For the Fiscal Year 2006-2007 \$6,042

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 7. 1. There is hereby appropriated from the Highway Fund to the Risk Management Division of the Department of Administration for blood tests to screen for hepatitis C pursuant to section 4 of this act:

For the Fiscal Year 2005-2006 \$13,680

For the Fiscal Year 2006-2007 \$1,026

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the Highway Fund on or before September 21, 2007.

Sec. 8. 1. Notwithstanding any provision of section 4 of this act, a person who submits to a blood test to screen for hepatitis on or after October 1, 2005, but on or before September 30, 2006, and who, on October 1, 2005:

(a) Is employed as a police officer in this State; or

(b) Had at any time been continuously employed for 5 years or more as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman in this State,

➔ shall be deemed to be in compliance with all blood testing that would otherwise be required by subsection 3 of section 4 of this act through the date of the blood test.

2. Notwithstanding the provisions of section 4 of this act, a person who, on October 1, 2005, is employed as a police officer in this State shall submit to a blood test to screen for hepatitis C on or before September 30, 2006. The blood test must be paid for by the employer of the person. If a person fails to submit to a blood test required by this subsection, the conclusive presumption relating to hepatitis otherwise created by section 4 of this act shall be deemed with regard to that person and for the purposes of section 4 of this act to be a rebuttable presumption that may only be rebutted by clear and convincing evidence that the hepatitis C was not contracted during the period in which the person was employed as a police officer.

3. If:

(a) A blood test taken pursuant to this section indicates that a person has hepatitis C; and

(b) Before taking the blood test, the person had at any time been continuously employed for 5 years or more as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman in this State,

➔ the person is entitled to a rebuttable presumption that the hepatitis C arose out of and in the course of his employment and is compensable in accordance with section 4 of this act if he, before January 1, 2007, files a claim for

compensation pursuant to chapter 617 of NRS. The presumption may only be rebutted by clear and convincing evidence that the hepatitis C was not contracted during the period in which the person was employed as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman in this State.

4. As used in this section:

(a) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.

(b) "Police officer" has the meaning ascribed to it in NRS 617.135, as amended by section 5 of this act, except that the term does not include a sheriff, deputy sheriff, officer of a metropolitan police department or city policeman."

Amend the title of the bill, fourteenth line, after "Government;" by inserting: "making an appropriation;"

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1206.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2005, without depleting the funds necessary for day-to-day operations, transfer \$600,000 from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism, created by NRS 231.250, to the Department of Cultural Affairs for the restoration and preservation of the exterior of the Lear Theater in Reno, Nevada.

2. The Department of Cultural Affairs shall prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money that was received by the Department of Cultural Affairs through December 1, 2006.

3. Any remaining balance of the sum transferred pursuant to subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the Fund for the Promotion of Tourism on or before September 21, 2007.

Sec. 2. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2005, and July 1, 2006, respectively, without depleting the funds necessary for day-to-day operations, transfer the following amounts from the

proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism, created by NRS 231.250, to the Division of State Parks of the State Department of Conservation and Natural Resources for expenses relating to the operation and maintenance of the Elgin Schoolhouse as a historic site for visitation by the public:

For the Fiscal Year 2005-2006.....	\$24,304
For the Fiscal Year 2006-2007.....	\$17,469

2. Any balance of the sums transferred pursuant to subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the Fund for the Promotion of Tourism on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 3. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2005, and July 1, 2006, respectively, without depleting the funds necessary for day-to-day operations, transfer the following amounts from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism, created by NRS 231.250, to the Western Folklife Center for support of the National Cowboy Poetry Gathering in Elko, Nevada:

For the Fiscal Year 2005-2006.....	\$100,000
For the Fiscal Year 2006-2007.....	\$100,000

2. Upon acceptance of the money transferred pursuant to subsection 1, the Western Folklife Center shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money transferred pursuant to subsection 1 from the date on which the money was received by the Western Folklife Center through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Western Folklife Center regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money transferred pursuant to subsection 1.

3. Any remaining balance of the sums transferred pursuant to subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the Fund for the Promotion of Tourism on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 4. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2005, and July 1, 2006, respectively, without depleting the funds necessary for day-to-day operations, transfer the following amounts from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism,

created by NRS 231.250, to the Atomic Testing Museum in Las Vegas for an educational program at the Museum:

For the Fiscal Year 2005-2006..... \$125,000

For the Fiscal Year 2006-2007..... \$95,000

2. The money transferred pursuant to subsection 1 must be used by the Atomic Testing Museum to:

(a) Provide instructional materials in classrooms;

(b) Allow access to the Internet for teachers and pupils; and

(c) Subsidize admission and transportation costs for schools and waive entirely admission for pupils who attend designated at-risk schools.

3. Upon acceptance of the money transferred pursuant to subsection 1, the Atomic Testing Museum shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money transferred pursuant to subsection 1 from the date on which the money was received by the Atomic Testing Museum through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Atomic Testing Museum regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money transferred pursuant to subsection 1.

4. Any balance of the sums transferred pursuant to subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the Fund for the Promotion of Tourism on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 5. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2005, and July 1, 2006, respectively, without depleting the funds necessary for day-to-day operations, transfer the following amounts from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism, created by NRS 231.250, to the Interim Finance Committee:

For the Fiscal Year 2005-2006..... \$600,000

For the Fiscal Year 2006-2007..... \$50,000

2. The money transferred pursuant to subsection 1 shall be allocated to the Reno-Sparks Convention and Visitors Authority to implement the Truckee River Recreational Master Plan as adopted by the City of Reno, the City of Sparks and Washoe County through a public review process. The money must be used to plan, obtain permits for, design and construct not more than four projects along the Truckee River that would enhance the recreational enjoyment, aquatic habitat and water quality of the Truckee River. The money must be expended on the following projects but is not

limited to Rock Park, Pioneer Diversion Dam, Ambrose Park and Idlewild Park.

3. The Interim Finance Committee shall allocate the money transferred pursuant to subsection 1 upon notification that the City of Reno, the City of Sparks and Washoe County have committed to expend, in total, an equal amount of money on Truckee River improvement related projects. For the purpose of this section, Truckee River improvement related projects include any public project to improve the Truckee River for watershed protection, watershed restoration, recreation or flood control.

4. Upon acceptance of the money allocated pursuant to subsection 2, the Reno-Sparks Convention and Visitors Authority shall prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money allocated pursuant to subsection 2 from the date on which the money was received by the Reno-Sparks Convention and Visitors Authority through December 1, 2006.

5. The Reno-Sparks Convention and Visitors Authority shall not assess an administrative fee or fine upon any local governing bodies relating to compliance with the provisions of subsections 3 and 4.

6. A public review and approval process, as determined by the City of Reno, the City of Sparks and Washoe County, must be completed before the commencement of construction of any project that uses money allocated pursuant to this section. Project design, construction documents and funding processes related to any such project must be approved by each local governing body having jurisdiction over the project. Each such project must conform to the parameters of the Truckee River Flood Control Project and the Truckee River Operating Agreement.

7. Any remaining balance of the sums transferred pursuant to subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the Fund for the Promotion of Tourism on or before September 21, 2007.

Sec. 6. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2005, and July 1, 2006, respectively, without depleting the funds necessary for day-to-day operations, transfer the following amounts from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism, created by NRS 231.250, to the University of Nevada Reno Fleischmann Planetarium and Science Center in Reno, Nevada, for costs of equipment:

For the Fiscal Year 2005-2006	\$11,500
For the Fiscal Year 2006-2007	\$14,500

2. Upon acceptance of the money transferred pursuant to subsection 1, the Fleischmann Planetarium and Science Center shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money transferred pursuant to subsection 1 from the date on which the

money was received by the Fleischmann Planetarium and Science Center through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Fleischmann Planetarium and Science Center regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money transferred pursuant to subsection 1.

3. Any remaining balance of the sums transferred pursuant to subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the Fund for the Promotion of Tourism on or before September 21, 2007.

Sec. 7. 1. The Commission on Tourism shall, as soon as practicable after July 1, 2006, without depleting the funds necessary for day-to-day operations, transfer \$300,000 from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism, created by NRS 231.250, to the Division of State Parks of the State Department of Conservation and Natural Resources to provide for and display historical interpretive signs for the California Trail Wayside Sites to be located in eight northern Nevada counties of this State.

2. Any remaining balance of the sum transferred pursuant to subsection 1 must not be committed for expenditure after June 30, 2009, and must be reverted to the Fund for the Promotion of Tourism on or before September 18, 2009.

Sec. 8. 1. This section and sections 1 to 6, inclusive, of this act become effective on July 1, 2005.

2. Section 7 of this act becomes effective on July 1, 2006."

Amend the title of the bill to read as follows:

"AN ACT transferring money from the Fund for the Promotion of Tourism to certain state and local governmental entities for various cultural, historical and tourist-related activities; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Transfers money from Fund for the Promotion of Tourism to certain state and local governmental entities for various cultural, historical and tourist-related activities. (BDR S-468)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 523.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1207.

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

"Sec. 3. This act becomes effective on July 1, 2005, and expires by limitation on June 30, 2007."

Amend the title of the bill to read as follows:

"AN ACT relating to the taxation of business; temporarily reducing the rate of the tax on certain businesses; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Temporarily reduces rate of tax on certain businesses. (BDR 32-1478)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 525.

Bill read third time.

Remarks by Senator Raggio.

Roll call on Senate Bill No. 525:

YEAS—21.

NAYS—None.

Senate Bill No. 525 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1205.

Amend sec. 11, page 11, by deleting lines 6 through 15 and inserting:

"Sec. 11. 1. *The Director, in consultation with the State Public Works Board and any other interested agency, shall:*

(a) In cooperation with representatives of the building and development industry, adopt guidelines establishing Green Building Standards for all occupied public buildings whose construction will be sponsored or financed by this State or a local government.

(b) Adopt a Green Building Rating System, such as the Leadership in Energy and Environmental Design Green Building Rating System or its equivalent, pursuant to subsections 4 and 5. With regard to buildings or structures that are not public buildings or structures, the Green Building Rating System adopted by the Director is to be used only for the purposes of determining eligibility for tax abatements or tax exemptions that are authorized by law to use the Green Building Rating System."

Amend the bill as a whole by deleting sec. 27 and adding:
"Sec. 27. (Deleted by amendment.)".

Senator Townsend moved the adoption of the amendment.

Remarks by Senator Townsend.

Senator Townsend requested that his remarks be entered in the Journal.

Thank you, Madam President. This amendment is a compilation of the Senate's changes to Assembly Bill No. 385 as well as the improvements to Senate Bill No. 188 that the Assembly processed as well as another bill that has to do with the administration of the Universal Energy Charge. This really is three bills in one with all of them based on discussions with the other House. They all have been improved and as a package this is as good a statement about renewable energy standards and conservation as well as other components that any state could make.

This amendment changes the green-building standard for public buildings from the silver standard to the base standard or its equivalent. It clarifies that the Leadership in Energy and Environmental Design Green Building Rating System better known as "LEED" is one of the standards that the Director of the State Energy Office may use as a model for adoption as a Nevada standard. It allows local governments as well as the State to select a contractor to conduct an analysis of the life-cycle costs of certain public buildings. It deletes reference to apprentice photovoltaic installers leaving only photovoltaic installers. It allows providers of electric service to receive credits toward meeting the portfolio standard. That was the essence of the bill known as Senate Bill No. 188 previously heard and passed by this body. It modifies the portfolio standard for increasing percentage of total electricity sold by a provider must be generated or acquired or saved from the portfolio energy system.

The Public Utilities Commission (PUC) can adopt regulations establishing a temporary renewable-energy development program to assist with the completion of new renewable-energy projects. They are commonly known as the "Tred Program." That was the tremendous work by the late Energy Office Director Richard Burdett. We should all remember him for his contributions to this State.

It increases from 3 to 5 percent the amount of money allocated to the Welfare Division for the Energy Assistance Program that the Division may use for administering that program.

The amendment provides the funding for the Task Force for Renewable Energy and Energy Efficiency. That money will come from the PUC's mil-assessment reserve fund rather than from the State General Fund.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS
REPORTS OF CONFERENCE COMMITTEES

Madam President:

The first Conference Committee concerning Senate Bill No. 198, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1041 of the Assembly be receded from and a 2nd reprint be created in accordance with this action.

TERRY CARE

MIKE MCGINNESS

MARK E. AMODEI

Senate Conference Committee

BARBARA BUCKLEY

JOHN C. CARPENTER

MARCUS CONKLIN

Assembly Conference Committee

Senator Care moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 198.

Remarks by Senator Care.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Senate Bill No. 290, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 712 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 4 through 7 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission ~~[, one]~~ :

(1) One of whom is ~~+~~

~~(+) The~~ the Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session . ~~[, and]~~ That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002; and

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002.

↳ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

Sec. 2. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section; ~~and]~~

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.379185, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.37938 or 482.37945 ~~+~~; and

(c) A license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) *Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.*

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 25 separate designs of special license plates. *Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 25, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367002, not to exceed a total of 25 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.*

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

☛ the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

☛ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 3. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. If a new special license plate is authorized by an act of the Legislature after January 1, 2003, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

2. *In addition to the requirements set forth in subsection 1, if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.*"

Amend sec. 4, page 5, by deleting lines 3 through 5 and inserting:

"Sec. 7. 1. This section and sections 4 and 5 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2005.

3. Section 6 of this act becomes effective on January 1, 2007."

Amend the title of the bill, first line, after "vehicles;" by inserting: "authorizing certain Legislators appointed to serve on the Commission on Special License Plates to designate alternates; revising the provisions governing the issuance of special license plates;"

DENNIS NOLAN

JOSEPH J. HECK

STEVEN A. HORSFORD

Senate Conference Committee

JOHN OCEGUERA

KELVIN ATKINSON

PETE GOICOECHEA

Assembly Conference Committee

Senator Nolan moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 290.

Remarks by Senators Nolan, Carlton, Titus and Coffin.

Senator Nolan moved no further consideration of the conference report at this time.

Motion carried.

Madam President:

The first Conference Committee concerning Senate Bill No. 302, consisting of the undersigned members, has met and reports that:

No decision was reached.

SANDRA J. TIFFANY

JOHN J. LEE

TERRY CARE

Senate Conference Committee

DEBBIE SMITH

BERNIE ANDERSON

HEIDI S. GANSERT

Assembly Conference Committee

Senator Tiffany moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 302.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Senate Bill No. 367, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 838 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend section 1, page 3, by deleting lines 8 through 10 and inserting: "warrant ~~for~~ a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender ~~and emphasize~~ that emphasizes personal responsibility and rehabilitation; or".

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

"AN ACT relating to pupils; revising provisions governing the formation of charter schools designed exclusively for pupils with disciplinary problems; providing that a pupil who is".

DENNIS NOLAN

SANDRA J. TIFFANY

STEVEN A. HORSFORD

Senate Conference Committee

WILLIAM HORNE

MARK MANENDO

GARN MABEY

Assembly Conference Committee

Senator Horsford moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 367.

Remarks by Senator Horsford.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Townsend, Titus and Rhoads as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 17.

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

Senate in recess at 4:54 p.m.

SENATE IN SESSION

At 5:06 p.m.

President Hunt presiding.

Quorum present.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 149.

The following Assembly amendment was read:

Amendment No. 1175.

Amend section 1, page 2, between lines 4 and 5, by inserting:

"3. *If an account is established for a member of the Board of Regents to pay for hosting expenditures of the member:*

(a) The annual expenditures from the account may not exceed \$2,500.

(b) The account may be used only to pay for activities that are directly related to the duties of the member of the Board of Regents, including reasonable expenses for meals, beverages and small gifts. The account must not be used to pay for expenses associated with attending a sporting event or a political fundraising event.

(c) The member of the Board of Regents must submit a monthly report of expenditures from the account to the Chancellor of the System. The report must include, without limitation, the amount of money expended from the account, the specific purpose and activity for which the money was expended and, if applicable, the person for whom the money was expended.

(d) The Chancellor of the System shall compile the monthly reports into an annual report on or before January 30 of each year. The monthly reports and annual reports are public records and must be made available for public inspection.

4. As used in this section, "hosting expenditures" means reasonable expenses by or on behalf of a member of the Board of Regents who is conducting business activities necessary to provide a benefit to the System by establishing goodwill, promoting programs of the System or otherwise advancing the mission of the System."

Amend the title of the bill, fourth line, after "meetings;" by inserting: "making various changes regarding accounts established for members of the Board of Regents to pay for certain hosting expenditures;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning Board of Regents of University of Nevada. (BDR 34-774)".

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 149.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Madam President:

The first Conference Committee concerning Senate Bill No. 434, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 1086 of the Assembly be concurred in.

JOHN J. LEE

MARCUS CONKLIN

WARREN B. HARDY II

DAVID PARKS

RANDOLPH J. TOWNSEND

ROD SHERER

Senate Conference Committee

Assembly Conference Committee

Senator Lee moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 434.

Remarks by Senator Lee.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 52, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendments Nos. 1037, 1082, of the Senate be receded from.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 2, page 2, by deleting lines 21 and 22 and inserting:

"(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:".

Amend sec. 3, page 3, by deleting lines 15 through 28 and inserting:

"Sec. 3. 1. A person to whom a driver's license is issued pursuant to section 2 of this act shall not, during the first 3 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his immediate family.

2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver's license is issued.

(b) For a second or subsequent offense, must be ordered to:

(1) Pay a fine in an amount not to exceed \$250;

(2) Comply with the provisions of this section for such additional time as determined by the court; or

(3) Both pay such a fine and comply with the provisions of this section for such additional time as determined by the court.

3. *A violation of this section:*

(a) *Is not a moving traffic violation for the purposes of NRS 483.473; and*

(b) *Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360."*

Amend sec. 4, pages 3 and 4, by deleting lines 29 through 43 on page 3 and lines 1 through 4 on page 4, and inserting:

"Sec. 4. 1. *A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3 of this act. Except as otherwise provided in subsection 2, a citation may be issued for a violation of section 3 of this act only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.*

2. *A peace officer shall not issue a citation to a person for operating a motor vehicle in violation of section 3 of this act if the person provides satisfactory evidence that the person has held the driver's license for the period required pursuant to section 3 of this act."*

Amend the bill as a whole by adding the following committee as a primary joint sponsor:

Senate Committee on Transportation and Homeland Security.

DENNIS NOLAN

MARK E. AMODEI

MICHAEL A. SCHNEIDER

Senate Conference Committee

JOHN OCEGUERA

KELVIN ATKINSON

JOHN C. CARPENTER

Assembly Conference Committee

Senator Nolan moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 52.

Remarks by Nolan and Cegavske.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 64, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 872 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 18, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511, against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalty provided by law, by an affirmative vote of two-thirds of the Commission, the Commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed \$5,000. The Commission shall not

impose a civil penalty for a violation of NRS 294A.345 unless the Commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.

5. If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee ~~is~~:

~~(a) Relied~~ establishes by sufficient evidence that he satisfied all of the following requirements:

(a) He relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) ~~Was~~ He was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) ~~Took~~ He took action that was not contrary to a prior published opinion issued by the Commission.

7. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

8. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of judicial review.

10. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law."

Amend sec. 4, page 3, by deleting lines 40 through 42 and inserting:

"Sec. 5. This act becomes effective upon passage and approval and the amendatory provisions of subsection 2 of section 3 of this act apply retroactively to January 1, 2004."

Amend the title of the bill, seventh line, after "State;" by inserting: "revising the provisions relating to the circumstances under which a public officer or employee has not committed a willful violation of certain provisions of the Nevada Ethics in Government Law;"

BOB BEERS

BERNICE MATHEWS

WARREN B. HARDY II

Senate Conference Committee

MARCUS CONKLIN

CHRIS GIUNCHIGLIANI

JOHN C. CARPENTER

Assembly Conference Committee

Senator Beers moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 64.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 143, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 846 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 25, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 2, page 3, by deleting lines 1 through 3 and inserting:

"(a) *Negotiate in good faith with the owner of the property and attempt to reach an agreement regarding the amount of compensation to be paid for the property;*".

Amend sec. 13, page 9, by deleting lines 42 through 44 and inserting:

"(c) *Each acre of the property is necessary for the purpose of open-space use and will be devoted to open-space use for not less than 50 years; and*".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. Section 3 of Senate Bill No. 326 of this session is hereby amended to read as follows:

Sec. 3. ~~Notwithstanding~~

1. *Except as otherwise provided in subsection 2, notwithstanding any other provision of law, if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property pursuant to the provisions of this chapter:*

~~1-1~~ (a) *Fails to use the property for the public purpose for which it was acquired; and*

~~1-2~~ (b) *Seeks to convey the right, title or interest in all or part of that property to any person, within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.*

2. *This section does not apply to property that is:*

(a) *Acquired through the use of federal funds; or*

(b) *Purchased as an early or total acquisition at the request of the owner of the property.*".

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

"Sec. 16. 1. This act becomes effective upon passage and approval.

2. Section 13.5 of this act expires by limitation on July 1, 2007."

MARK E. AMODEI

TERRY CARE

MIKE MCGINNESS

Senate Conference Committee

MARCUS CONKLIN

JOHN C. CARPENTER

WILLIAM HORNE

Assembly Conference Committee

Senator Amodei moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 143.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 239, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 951 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 27, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 2, page 2, by deleting lines 23 through 26 and inserting:

"3. *The Director shall prescribe;*".

Amend sec. 4, page 3, by deleting lines 15 through 27 and inserting:

"3. *The Department may apply for and accept any gift, grant,*".

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

"Sec. 9. NRS 484.287 is hereby amended to read as follows:

484.287 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsection 4, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal or marking bearing thereon any commercial advertising except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or section 15 of this act, or on monorail stations.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

6. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure."

Amend the bill as a whole by renumbering sections 10 and 11 as sections 19 and 20 and adding new sections designated sections 11 through 18, following sec. 9, to read as follows:

"Sec. 11. NRS 244.187 is hereby amended to read as follows:

244.187 A board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the county and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.
2. Taxicabs and other public transportation, unless regulated in that county by an agency of the State.
3. Collection and disposal of garbage and other waste.
4. Operations at an airport, including but not limited to the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.
5. Water and sewage treatment, unless regulated in that county by an agency of the State.
6. Concessions on, over or under property owned or leased by the county.
7. Operation of landfills.
8. ~~Construction~~ Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.

Sec. 12. NRS 268.081 is hereby amended to read as follows:

268.081 The governing body of an incorporated city may, to provide adequate, economical and efficient services to the inhabitants of the city and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.
2. Taxicabs and other public transportation, unless regulated in that city by an agency of the State.
3. Collection and disposal of garbage and other waste.
4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.
5. Water and sewage treatment, unless regulated in that city by an agency of the State.
6. Concessions on, over or under property owned or leased by the city.
7. Operation of landfills.
8. Search and rescue.
9. Inspection required by any city ordinance otherwise authorized by law.
10. ~~Construction~~ Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.
11. Any other service demanded by the inhabitants of the city which the city itself is otherwise authorized by law to provide.

Sec. 13. NRS 269.128 is hereby amended to read as follows:

269.128 A town board or board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the town and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.
2. Taxicabs and other public transportation, unless regulated in that town by an agency of the State.
3. Collection and disposal of garbage and other waste.
4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.
5. Water and sewage treatment, unless regulated in that town by an agency of the State.
6. Concessions on, over or under property owned or leased by the town.
7. Operation of landfills.
8. ~~Construction~~ Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.

Sec. 14. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. *In a county whose population is 400,000 or more:*

1. *The commission shall provide for the construction and maintenance of benches and shelters for passengers of public mass transportation.*
2. *In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction and maintenance of such benches and shelters. The commission may:*
 - (a) *Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or*
 - (b) *Grant an exclusive franchise to any person to provide those services.*
3. *The commission shall post on each bench, and within each shelter, a notice that provides a telephone number that a person may use to report damage to the bench or shelter.*
4. *No board of county commissioners, governing body of an incorporated city or town board may provide for the construction or maintenance of benches and shelters for passengers of public mass transportation.*

Sec. 16. 1. *In a county whose population is 400,000 or more, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction and maintenance of benches and shelters for passengers of public mass transportation in the county. The membership of the advisory committee must consist of:*

- (a) *Two members of the general public from each city within the county who are appointed by the governing body of that city; and*
- (b) *Six members of the general public appointed by the commission.*
2. *Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*

3. *A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.*

4. *The advisory committee shall meet at least six times annually.*

5. *At its first meeting and annually thereafter, the advisory committee shall elect a chairman and vice chairman from among its members.*

6. *Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.*

Sec. 17. NRS 405.030 is hereby amended to read as follows:

405.030 1. Except as otherwise provided in subsection 3 and except within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or section 15 of this act, or on monorail stations, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

(a) Within any right-of-way of any state highway or road which is owned or controlled by the Department of Transportation.

(b) Within 20 feet of the main-traveled way of any unimproved highway.

(c) On the property of another within view of any such highway, without the owner's written consent.

2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the Department of Transportation.

3. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

5. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.

Sec. 18. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or section 15 of this act, or on monorail stations, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

6. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

7. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

8. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure."

Amend the bill as a whole by deleting sec. 12 and adding new sections designated sections 21 through 23, following sec. 11, to read as follows:

"Sec. 21. On July 1, 2005, any contract for the construction and maintenance of benches and shelters for passengers of public mass transportation, or for an exclusive franchise to provide such services, entered into by a local government in a county whose population is 400,000 or more shall be deemed to be a contract with the regional transportation commission for that county. All rights and obligations of the local government on that date under such a contract become the rights and obligations of the regional transportation commission.

Sec. 22. 1. The regional transportation commission for a county whose population is 400,000 or more shall, in accordance with section 15 of this act, provide for the construction of at least a total of 20 benches or shelters, or any combination thereof, for passengers of public mass transportation during each fiscal year of the 2005-2007 biennium.

2. In providing for the construction of benches and shelters pursuant to subsection 1, the regional transportation commission shall, to the extent practicable, give priority to the construction of benches and shelters along fixed bus routes where the period of waiting between buses is 45 minutes or more.

3. On or before January 1, 2007, the regional transportation commission shall:

(a) Prepare a report that:

(1) Identifies the locations of the benches and shelters for passengers of public mass transportation that were constructed pursuant to subsection 1 during the 2005-2007 biennium;

(2) Describe the activities and plans of the regional transportation commission relating to future construction of benches and shelters for passengers of public mass transportation;

(3) Describe the activities and plans of the regional transportation commission relating to the maintenance of the benches and shelters, including, without limitation, any renegotiation of existing contracts for the construction and maintenance of benches and shelters for passengers of public mass transportation; and

(4) Describe the activities of any advisory committees created by the regional transportation commission, and of the advisory committee established pursuant to section 16 of this act, relating to the construction and maintenance of benches and shelters for passengers of public mass transportation.

(b) Submit the report prepared pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Legislature.

Sec. 23. 1. This section and sections 9, 11 to 18, inclusive, 21 and 22 of this act become effective on July 1, 2005.

2. Sections 1, 2, 3, 5, 10, 19 and 20 of this act become effective on October 1, 2005.

3. Sections 4, 6, 7 and 8 of this act become effective on July 1, 2006."

Amend the title of the bill to read as follows:

"AN ACT relating to transportation; providing under certain circumstances for the examination of a holder of a driver's license; authorizing the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver's license or identification card; requiring the Department to send a notice of suspension of registration to certain owners of motor vehicles; transferring the authority to provide for benches and shelters for passengers of public mass transportation from local governments to the regional transportation commission in certain larger counties; requiring the regional transportation commission to establish an advisory committee to provide information and advice to the regional transportation commission concerning the construction and maintenance of those benches and shelters; revising certain provisions relating to the licensure of authorized inspection stations; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain provisions relating to transportation. (BDR 43-566)".

JOSEPH J. HECK

KELVIN ATKINSON

MICHAEL A. SCHNEIDER

JOSEPH M. HOGAN

DENNIS NOLAN

ROD SHERER

Senate Conference Committee

Assembly Conference Committee

Senator Heck moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 239.

Remarks by Senator Heck.

Motion carried by a constitutional majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 337, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 735 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend the bill as a whole by renumbering sections 4 through 11 as sections 5 through 12 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive laser surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↳ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive laser surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The ~~regulations must prohibit a~~ Board shall not allow the licensing of a facility as a residential facility for groups which provide assisted living services and a residential facility for groups ~~from claiming~~ shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) ~~Contain~~ Except as otherwise provided in subsection 8, contain toilet facilities ~~and a~~

(2) Contain a sleeping area or bedroom; and

~~(2)~~ (3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. *The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a residential facility for groups on or before the effective date of this act and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:*

(a) *Strict application of that requirement would result in economic hardship to the facility requesting the exception; and*

(b) *The exception, if granted, would not:*

(1) *Cause substantial detriment to the health or welfare of any resident of the facility;*

(2) *Result in more than two residents sharing a toilet facility; or*

(3) *Otherwise impair substantially the purpose of that requirement.*

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. *As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility."*

Amend the bill as a whole by renumbering sections 12 through 15 as sections 14 through 17 and adding a new section designated sec. 13, following sec. 11, to read as follows:

"Sec. 13. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive.

2. The State Fire Marshal or his designee shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection ~~{8}~~ 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection ~~{8}~~ 9 of NRS 449.037,

↳ to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or his designee shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license."

Amend the title of the bill, first line, after "welfare;" by inserting:

"revising certain provisions governing the licensure of residential facilities for groups which provide assisted living services;"

Amend the summary of the bill to read as follows:

"SUMMARY—Enacts provisions governing residential care services for certain persons, including elderly persons and persons with disabilities. (BDR 40-375)".

BARBARA K. CEGAVSKE

PEGGY PIERCE

DINA TITUS

WILLIAM HORNE

DENNIS NOLAN

VALERIE WEBER

Senate Conference Committee

Assembly Conference Committee

Senator Cegavske moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 337.

Remarks by Senator Cegavske.

Motion carried by a two-thirds majority.

Madam President:

The first Conference Committee concerning Assembly Bill No. 505, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1012 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 30, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 33, page 27, by deleting lines 22 through 29 and inserting:

"3. The Commission may employ ~~{such}~~ :

(a) *Such* other clerks, experts, ~~{or}~~ engineers or other persons as may be necessary ~~{;}~~ ; and

(b) *Peace officers in any position it deems necessary for the regulation of transportation services which are under the jurisdiction of the Commission."*

Amend the bill as a whole by renumbering sec. 128 as sec. 129 and adding a new section designated sec. 128, following sec. 127, to read as follows:

"Sec. 128. NRS 706.88185 is hereby amended to read as follows:

706.88185 1. When the Taxicab Authority has reason to believe that any provision of NRS 706.881 to 706.885, inclusive, is being violated, the Taxicab Authority shall investigate the alleged violation. After a hearing the Taxicab Authority may issue an order requiring that the certificate holder *or a driver* cease and desist from any action that is in violation of NRS 706.881 to 706.885, inclusive.

2. The Taxicab Authority shall enforce an order issued pursuant to subsection 1 in accordance with the provisions of NRS 706.881 to 706.885, inclusive."

Amend the bill as a whole by renumbering sections 129 through 140 as sections 134 through 145 and adding new sections designated sections 130 through 133, following sec. 128, to read as follows:

"Sec. 130. NRS 706.8822 is hereby amended to read as follows:

706.8822 The Administrator shall conduct administrative hearings and make final decisions, subject to appeal by any aggrieved party to the Taxicab Authority, in the following matters:

1. Any violation relating to the issuance of or transfer of license plates for motor carriers required by either the Taxicab Authority or the Department of Motor Vehicles;
2. Complaints against certificate holders;
3. Complaints against taxicab drivers ~~[-]~~ , including, without limitation, a complaint alleging a violation of NRS 706.8846;
4. Applications for, or suspension or revocation of, drivers' permits which may be required by the Administrator; and
5. Imposition of monetary penalties.

Sec. 131. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

- (1) Has been a resident of the State for 30 days before his application for a permit;
- (2) Can read and orally communicate in the English language; and
- (3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab

in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; ~~[-]~~

(d) A violation of section 10 of ~~[this act]~~ chapter 63, Statutes of Nevada 2005, or a law of any other jurisdiction that prohibits the same or similar conduct ~~[-]~~; or

(e) A third violation of a provision of NRS 706.8846.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 132. NRS 706.8848 is hereby amended to read as follows:

706.8848 1. If a driver violates any provision of NRS 706.8844 ~~[to 706.8847, inclusive.]~~, 706.8845 or 706.8847, the Administrator may impose the following sanctions:

- (a) First offense: Warning notice or a fine of not more than \$100, or both warning and fine.

(b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine of not more than \$200, or both suspension and fine.

(c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(d) Fourth offense: 10 days' suspension of a driver's permit or a fine of not more than \$500, or both suspension and fine.

(e) Fifth offense: Revocation of a driver's permit or a fine of not more than \$500, or both revocation and fine.

2. If a driver violates any provision of NRS 706.8846, the Administrator may impose the following sanctions:

(a) For a first offense, a warning notice or a fine of not more than \$100, or both warning and fine.

(b) For a second offense, a suspension of his driver's permit for not more than 3 days or a fine of not more than \$200, or both suspension and fine.

(c) For a third offense, revocation of his driver's permit or a fine of not more than \$500, or both revocation and fine.

3. Only violations occurring in the 12 months immediately preceding the most current violation shall be considered for the purposes of subsection 1 ~~1~~ or 2. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

~~3~~ 4. The Administrator shall conduct a hearing prior to suspension or revocation of a driver's permit or imposing a fine under this section or NRS 706.8849.

Sec. 133. NRS 706.8849 is hereby amended to read as follows:

706.8849 1. A taxicab driver shall:

(a) Ensure that the fare indicator on the taximeter of his taxicab reads zero before the time that the taxicab is engaged.

(b) Ensure that the taximeter of his taxicab is engaged while the taxicab is on hire.

(c) Not make any charge for the transportation of a passenger other than the charge shown on the taximeter.

(d) *Not accept a tip, gift, gratuity, money, fee or any other valuable consideration of any kind from a person who has been issued a license by a board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city for the conveyance of a passenger to the location of the person who holds the license.*

(e) Not alter, manipulate, tamper with or disconnect a sealed taximeter or its attachments nor make any change in the mechanical condition of the wheels, tires or gears of a taxicab with intent to cause false registration on the taximeter of the passenger fare.

~~(e)~~ (f) Not remove or alter fare schedules which have been posted in his taxicab by the certificate holder.

~~(f)~~ (g) Not permit any person or persons other than the person who has engaged the taxicab to ride therein unless the person who has engaged the taxicab requests that the other person or persons ride in the taxicab. If more than one person is loaded by the taxicab driver as set forth in this paragraph, the driver shall, when one of the persons leaves the taxicab, charge that person the fare on the meter and reset the taximeter.

~~(g)~~ (h) Not drive a taxicab or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug, or intoxicating liquor or drink intoxicating liquor while on duty.

~~(h)~~ (i) Not use or consume controlled substances or dangerous drugs which impair a person's ability to operate a motor vehicle at any time, or use or consume any other controlled substances or dangerous drugs at any time except in accordance with a lawfully issued prescription.

~~(i)~~ (j) Not operate a taxicab without a valid driver's permit issued pursuant to NRS 706.8841 and a valid driver's license issued pursuant to NRS 483.325 in his possession.

~~(j)~~ (k) Obey all provisions and restrictions of his employer's certificate of public convenience and necessity.

2. If a driver violates any provision of subsection 1, the Administrator may, after a hearing, impose the following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's permit or a fine of not more than \$100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(c) For a third offense, a fine of not more than \$500.

➔ In addition to the other penalties set forth in this subsection, the Administrator may revoke a driver's permit for any violation of a provision of paragraph (g) of subsection 1.

3. Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection 2. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

4. *The Administrator shall notify the appropriate board of county commissioners, county liquor board, county licensing board or city council or other governing body of an incorporated city which issued a license to a person from whom a driver accepted a tip, gift, gratuity, money, fee or any other valuable consideration of any kind in violation of paragraph (d) of subsection 1.*"

Amend the title of the bill, seventh line, after "Nevada;" by inserting: "revising provisions governing regulation of certain taxicab drivers; providing penalties;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning transportation. (BDR 43-973)".

DENNIS NOLAN
MAGGIE CARLTON

JOHN OCEGUERA
KELVIN ATKINSON
PETE GOICOECHEA

Senate Conference Committee

Assembly Conference Committee

Senator Nolan moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 505.

Remarks by Senators Nolan and Care.

Motion carried by a two-thirds majority.

Senator Raggio moved that the Senate recess until 7 p.m.

Motion carried.

Senate in recess at 5:21 p.m.

SENATE IN SESSION

At 7:39 p.m.

President pro Tempore Amodei presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 5, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 127, 335.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted, as amended, Assembly Concurrent Resolution No. 17.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 380, Amendment No. 1198; Senate Bill No. 390, Amendment No. 1193, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1173 to Assembly Bill No. 411.

DIANE KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 17.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 127.

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

Motion carried.

Assembly Bill No. 335.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved to consider Unfinished Business as the next order of business.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President pro Tempore:

The first Conference Committee concerning Senate Bill No. 80, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 722 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 34, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 3, page 3, by deleting lines 7 through 11 and inserting:

"6. *The presence of a security freeze in the file of a consumer must not be considered to be an adverse factor in the consumer's credit worthiness, credit standing or credit capacity.*".

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. 1. *Except as otherwise provided in this section:*

(a) *A reporting agency may charge a consumer a reasonable fee, not to exceed \$15, to place a security freeze in his file.*

(b) *After a security freeze has been placed in the file of a consumer, a reporting agency may charge the consumer a reasonable fee:*

(1) *Not to exceed \$18, to remove the security freeze from his file pursuant to section 9 of this act.*

(2) *Not to exceed \$18, to temporarily release his consumer report for a specific period pursuant to section 8 of this act.*

(3) *Not to exceed \$20, to temporarily release his consumer report to a specific person pursuant to section 8 of this act.*

2. *A reporting agency may not charge a consumer the fees set forth in subsection 1 to place a security freeze in his file, to temporarily release his consumer report for a specific period or to a specific person, or to remove a security freeze from his file if the consumer is a victim of identity theft and the consumer submits, at the time the security freeze is requested, a valid copy of a police report, investigative report or complaint which the consumer has filed with a law*

enforcement agency regarding the unlawful use of the personal information of the consumer by another person.

3. On January 1 of each year, a reporting agency may increase the fees set forth in subsection 1 based proportionally on changes to the Consumer Price Index of All Urban Consumers, as determined by the United States Department of Labor, with fractional changes rounded to the nearest 25 cents."

Amend sec. 11, page 7, by deleting lines 13 through 17 and inserting:

"1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.

2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection."

JOHN J. LEE
 WARREN B. HARDY II
 RANDOLPH J. TOWNSEND

MARCUS CONKLIN
 DAVID PARKS

Senate Conference Committee

Assembly Conference Committee

Senator Lee moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 80.

Remarks by Senator Lee.

Motion carried by a constitutional majority.

Mr. President pro Tempore:

The first Conference Committee concerning Senate Bill No. 394, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendments Nos. 1029, 1077 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

Conference Amendment.

Amend sec. 32, page 21, by deleting lines 5 through 26 and inserting:

"Sec. 32. 1. For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:

(a) The value of the land; and

(b) The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence,

↪ determined in accordance with the manual established pursuant to subsection 2.

2. The Nevada Tax Commission shall establish a manual for determining the value for open-space use of real property used as a golf course. The manual must:

(a) Require the use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable.

(b) For the purpose of determining the value of the land, define various classifications of golf courses and provide for the valuation of each such classification in a manner that is consistent with the provisions of NRS 361.227, except that the value of the land must not be determined to exceed the product of \$2,860 per acre multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004.

(c) For the purpose of determining the value of the improvements made to the real property, require the use of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include, for the purpose of determining obsolescence, a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions."

Amend the bill as a whole by adding new sections designated sections 52.1 through 52.8, following sec. 52, to read as follows:

"Sec. 52.1. Section 1 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:*

(a) *Obtain two independent appraisals of the land before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.*

(b) *Notwithstanding the provisions of chapter 333 of NRS, select the two independent appraisers from the list of appraisers established pursuant to subsection 2.*

(c) *Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.*

2. *The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:*

(a) *Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and*

(b) *Be organized at random and rotated from time to time.*

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.*

4. *An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.*

5. *If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.*

Sec. 52.2. Section 5 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 5. 1. *Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:*

(a) *Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.*

(b) *Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.*

(c) *Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.*

2. *The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:*

(a) *Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and*

(b) *Be organized at random and rotated from time to time.*

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.*

4. *An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.*

Sec. 52.3. Section 7 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 7. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in *this section and section 5 of this act and NRS 244.189, 244.276, 244.279, 244.2825 [and 244.288], 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:*

1. When a board of county commissioners has determined by resolution that the sale or ~~exchange~~ lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property ~~at public auction,~~ in the manner prescribed for the sale of real property in NRS 244.282.

(b) ~~Sell the property through a licensed real estate broker, or if there is no real estate broker resident of the county, the board of county commissioners may negotiate the sale of the property. No exclusive listing may be given. In all listings, the board of county commissioners shall specify the minimum price, the terms of sale and the commission to be allowed, which must not exceed the normal commissions prevailing in the community at the time.~~

(c) ~~Exchange the property for other real property of substantially equal value, or for other real property plus an amount of money equal to the difference in value, if it has also determined by resolution that the acquisition of the other real property will be in the best interest of the county.~~ *Lease the property in the manner prescribed for the lease of real property in NRS 244.283.*

2. Before the board of county commissioners may sell ~~or exchange~~ or lease any real property as provided in ~~paragraphs (b) and (c) of~~ subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or ~~exchanged~~ leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or ~~exchanged~~ leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

↳ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~In addition to the requirements set forth in paragraph (b) of subsection 2, in case of:~~

(a) ~~A sale, the notice must state the name of the licensed real estate broker handling the sale and invite interested persons to negotiate with him.~~

~~(b) An exchange, the notice must call for offers of cash or exchange. The commission shall accept the highest and best offer.~~

~~4. If the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than \$1,000, the board shall appoint ~~one~~ two or more disinterested, competent real estate appraisers pursuant to section 4 of this act to appraise the property ~~and~~, except for property acquired pursuant to NRS 371.047, shall not sell or ~~exchange~~ lease it for less than the highest appraised value.~~

~~5. 4. If the property is appraised at \$1,000 or more, the board of county commissioners may ~~sell it~~:~~

~~(a) Lease the property; or~~

~~(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.~~

~~5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:~~

~~(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:~~

~~(1) The real property is a:~~

~~(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;~~

~~(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or~~

~~(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and~~

~~(2) The sale will be in the best interest of the county.~~

~~(b) Another governmental entity if:~~

~~(1) The sale or lease restricts the use of the real property to a public use; and~~

~~(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.~~

~~6. A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.~~

~~7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of section 4 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.~~

~~8. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.~~

~~Sec. 52.4. Assembly Bill No. 312 of this session is hereby amended by adding thereto a new section to be designated as sec. 7.5, immediately following sec. 7, to read as follows:~~

~~Sec. 7.5. NRS 244.283 is hereby amended to read as follows:~~

~~244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential or recreational purposes is necessary or desirable, the board may lease such real property, whether acquired by purchase,~~

dedication or otherwise. Such a lease must not be in contravention of any condition in a gift or devise of real property to the county.

2. Except as otherwise provided in NRS 244.279, before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution must:

- (a) Describe the property proposed to be leased in such manner as to identify it.
- (b) Specify the minimum rental, and the terms upon which it will be leased.
- (c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed proposals to lease will be received and considered.

3. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

- (a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and
- (b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

4. At the time and place fixed in the resolution for the meeting of the board, all sealed proposals which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the proposal which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

5. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution, for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person must be finally accepted.

6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, he submits to the board written notice of his intent to make an oral bid and a statement establishing his financial responsibility to the satisfaction of the board.

7. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the ~~10~~ 21 days next following.

8. The board may, either at the same session or at any adjourned session of the same meeting held within the ~~10~~ 21 days next following, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.

9. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.

10. All money received from rentals of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.

Sec. 52.5. Section 12 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 12. 1. *Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:*

(a) *Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for*

the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 52.6. Section 13 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 13. *Except as otherwise provided in this section and section 15 of this act, NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:*

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in section 14 of this act.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

➤ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the board shall conduct an appraisal pursuant to section 12 of this act to determine the value of the real property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at \$1,000 or more, the governing body may:

(a) Lease the real property; or

(b) *Sell the real property for:*

(1) *Cash; or*

(2) *Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.*

5. *A governing body may sell or lease any real property owned by the city without complying with the provisions of sections 12, 13 and 14 of this act to:*

(a) *A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:*

(1) *The real property is a:*

(I) *Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;*

(II) *Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or*

(III) *Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and*

(2) *The sale or lease will be in the best interest of the city.*

(b) *Another governmental entity if:*

(1) *The sale or lease restricts the use of the real property to a public use; and*

(2) *The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.*

6. *A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.*

7. *If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of section 12 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.*

Sec. 52.7. Section 14 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 14. 1. *Except as otherwise provided in this section and section 15 of this act and NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:*

(a) *Describe the property proposed to be sold or leased in such a manner as to identify it;*

(b) *Specify the minimum price and the terms upon which the property will be sold or leased;*
and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

↳ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

Sec. 52.8. Section 25 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 25. This act becomes effective on ~~July~~ October 1, 2005."

Amend sec. 57, page 30, by deleting lines 10 through 13 and inserting:

"Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005."

Amend the title of the bill, eighth line, after "citizen;" by inserting: "revising certain provisions relating to the sale, lease or other disposal of public property by a governmental entity;"

SANDRA J. TIFFANY

DEAN A. RHOADS

JOHN J. LEE

Senate Conference Committee

MARILYN KIRKPATRICK

CHRIS GIUNCHIGLIANI

SCOTT SIBLEY

Assembly Conference Committee

Senator Tiffany moved that the Senate adopt the report of the first Conference Committee concerning Senate Bill No. 394.

Remarks by Senators Care and McGinness.

Senator Care requested that the following remarks be entered in the Journal.

SENATOR CARE:

Thank you, Mr. President pro Tempore. I rise in opposition to the motion. This is the type of event that can invite cynicism. I would like to discuss the process.

Look at the conference committee report, the attachment, section 32 that pertains to golf courses. There may be a case to be made that golf courses need this sort of treatment, and it is my understanding that this is done in other states. However, I object because the Senate Committee on Taxation first heard about this subject when we met to concur or not concur with what the Assembly had done on the bill. Late in the game, the Assembly added this golf-course language to Senate Bill No. 394. Other than the brief colloquy on the golf-course matter, there was no hearing on this bill with the golf-course information in it before the full Senate Committee on Taxation.

In the course of this Session, we had three days of hearing on Senate Bill No. 109. I cannot count the number of hearings and hours devoted to the property-tax issue, yet this provision received none. We have a motion before us to adopt the language which amounts to significant public policy. Look at the conference committee report. It talks about how the value of a golf course will be in statute at \$2,860 per acre. Where did that figure come from? Consider that 35 percent of that is \$1,000 per acre. That is the way we do it in Nevada. You are talking for tax purposes, one acre on a golf course at \$1,000.

We do not say that all residential lots in the State will be \$1,000, but we are going to do that for golf courses. The Committee had no benefit of a hearing to determine how that figure was derived at. It says in the bill that the figure will be adjusted upward according to the Consumer Price Index (CPI).

We have seen in recent years that the value of land appreciates far greater than the CPI. If I had been in a committee with a full hearing, I would have inquired about that. Why are we coming up with CPI instead of some other figure especially since you have the benefit of a cap? What is this going to do to those matters currently before the Nevada State Tax Commission when they deal with the disputes about how to value a golf course? I would have asked why are we going to say that TPC Summerlin is going to be valued the same per acre as a 9-hole course in Winnemucca. Why are all of these golf courses going to be valued the same all over the State? There may be a reason of policy for doing this sort of thing, but we did not get a chance to ask the questions because we did not have a hearing on the subject. I would suggest that this is what is wrong with the process.

During this 120-day session, we have seen debate limited to 10 minutes per bill. We have suspended rules so things can fly through here with six and seven agendas in a day. There is little deliberation on some matters when there needs to be. I ask that everyone be diligent on what happens in these conference committees. There are people running around this building asking, "What have I got left that I can get my special deal for my client on to?" without benefit of any kind of a hearing. It is happening at the last minute and people are attempting to do it. The lobbyist's allegiance is to the client not to the people. Our duty is to represent the people. I suggest we take the time to contemplate what comes before us in these conference committees and to digest these reports even though there is a short time to read them.

I think this is a short change of the process. We never had a hearing on this in front of the Committee on Taxation. I am opposed to the adoption of this report.

SENATOR MCGINNESS:

Thank you, Mr. President pro Tempore. I realize that the golf-course language was going to go in there. I was as surprised as my counterpart in Judiciary on the language in here about appraising the public lands, inter-local agreements, and I would like to have an opportunity to look at this again.

Senator McGinness moved that Senate Bill No. 394 be taken from Unfinished Business on the current agenda and placed on Unfinished Business for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 95.

Bill read third time.

Roll call on Senate Bill No. 95:

YEAS—21.

NAYS—None.

Senate Bill No. 95 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 203.

Bill read third time.

Roll call on Senate Bill No. 203:

YEAS—21.

NAYS—None.

Senate Bill No. 203 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 314.

Bill read third time.

Roll call on Senate Bill No. 314:

YEAS—21.

NAYS—None.

Senate Bill No. 314 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 523.

Bill read third time.

Remarks by Senators Coffin, Raggio, Titus, Beers, Schneider and Carlton.

Senator Titus requested that the following remarks be entered in the Journal.

SENATOR COFFIN:

Thank you, Mr. President pro Tempore, could we please have an explanation of the bill?

SENATOR RAGGIO:

Thank you, Mr. President pro Tempore. I explained this when we adopted the amendment. This bill temporarily reduces, during the next biennium, the modified-business tax from a rate of 0.65 to 0.63.

SENATOR COFFIN:

Thank you. We never had a chance to do the math on this in the Senate Committee on Finance except to note the fiscal impact of this is \$25 million over the biennium. It is a significant amount of money. Think about what 0.002 of a percentage point means. Is this meaningful?

We had a bill discussed two weeks ago about lowering the tax rate to 0.064, and now, we have a bid of 0.063. I did some math on this and I thought what good is this? The reduction over a 12-month period for someone with a payroll of 4 or 5 employees and a payroll of \$100,000 will equal a savings of about \$16.50 a month for that year. If there is a \$1 million payroll, it will equal a few thousand. That is all it really changes.

Tax cuts are good when you do not need the money. The figure of \$15 million becomes a manageable amount, and I think of all of the uses it could be put to. Are we making a symbolic gesture with this? Are we setting up a situation where we can say, "I cut taxes this year"? What are we really doing here? We are taking money out of important projects and their potential use. It is an amount of money that could take care of the veterans from Nevada who are in the National Guard and the Army Reserve.

I can think of uses for this money. I cannot understand the symbolic purpose of lowering the tax 0.002 of a percent. That is ludicrous. If we are going to push for tax cuts, we should make a big stab at it instead of this smidgen of a change. To some, it is important. I understand that, but is it practical? Something could be done for people in the State who are missing out in this rush for all of the "pork" that is being passed out. Think what could have been done with this money.

SENATOR TITUS:

I voted for this bill in committee because I want to do something for business just as I want to do something for the average Nevadan when it comes to providing a bonus or a rebate due to the surplus we have at this time.

I do not think, however, that business should get two rebates or two bonuses when the average Nevadan gets very little.

I will vote for this only under the assumption that it will become part of a compromise for a rebate plan which spreads the \$300 million to more people so that more people will receive more money. This will be the way we provide the bonus to business.

If we are going to keep the Governor's rebate plan as it is based on the car registration where it is the businesses who will benefit the most and the average Nevadans who will get very little, then I would object to this. For now, I will vote for it, but I am going on the record as saying it has to be part of a compromise.

SENATOR BEERS:

Thank you, Mr. President pro Tempore. The study of economics is complex, and time is short. The impact of taking \$15 million and putting it into the private sector versus the public sector is the point of the bill. We have gone through our long budget process. Seven of us in this room have gone through it together. We have come to the point where we know how much is left that has not been appropriated. Everyone is familiar with the process. The Houses divided that up and prioritized their projects.

The majority of the members of the Senate Republican Caucus and some of the Senate Democrat Caucus members as well, favored spending one fourth of the Senate Republicans on this reduction in revenue. I have voted for some things I do not think are right, but in the spirit of the cooperative agreement with which we will bring the session to an end, I voted for it anyway. I would expect my colleagues to do the same on this one.

SENATOR SCHNEIDER:

Thank you. As I listened to the last speaker from Summerlin, I started to ask how much is this rebate? Can the citizens use it more and have more of an impact than the government? Divide 2.5 million residents by \$15 million and the rebate equals a few dollars each. How much impact does that have on our economy? We should take that money and invest it in places like Virginia City for the Piper's Opera House. We should save some of our historic landmarks thus creating more tourism. This creates a bigger bang for our economy than giving people \$5 each.

I would challenge the speaker from Summerlin on his economic theory. Creating business opportunities for a future business that can go for the next decade or two or three is a better investment of the people's money. It creates jobs for the people. It creates economic development.

I think this is not such a good investment. We are the stewards of the people's money. We are often short sighted in this State. It is extremely short sighted not to invest in the future. We believe in instant gratification. Many successful long-term businesses do not invest for right now. They invest for the future. This is a difficult decision. If you vote against this, you are voting against business. That is not right, but we should look at the future of this State and the future of this economy and not at the "right now" where I can run down and buy myself a six-pack with my \$5.

I have decided to oppose this and the Committee on Finance and both caucuses should go back and look at themselves in the mirror and ask, "Where do we want to be ten years from now as opposed to buying a six-pack of beer."

SENATOR BEERS:

Thank you. We come to a significant crossroads in opposing philosophies. When the government grows, the economy shrinks. Governments do not create more jobs than they take away. Governments inherently do things less efficiently than the private sector does. That is the heart of the debate.

This is going to be \$15 million. Are we better off having people decide how to spend this, or are we better off having the 21 of us decide how to spend this piece of the people's money? No, Government does not invest nearly as efficiently as the private sector invests and that is why I stand in support of this bill.

SENATOR SCHNEIDER:

Thank you. Government's roll is to support and build an economy. We are not talking about creating government jobs.

My proposal is to reinvest in our communities so that the economy can expand. Investing in a place will create private sector jobs. We can do this through grants. That is what we need to look at. We should give grants to create and restore these old sites that need to be restored in this State.

There is a \$6 billion budget and business has not been here asking for this money. We can create jobs through rehabilitation and construction. This will give a big bang for the buck by employing people. Using this money this way will also give jobs into the future. That is what we should be looking for, the jobs for the future. Let us create more tourism, a more balanced economy. I will vote against this bill.

SENATOR CARLTON:

Thank you. I would like to share my viewpoint on government versus business as a layperson who has never taken an economics class. I grew up to believe that the government was here to serve and protect and that we have a special responsibility to make certain that we do the right thing for future generations. I believe business's responsibility is to be entrepreneurial, to be innovative, to drive the economic engine and to produce a profit. They are not exclusive of each other, but they each have their own individual way of going about things. To try to compare government to business is a bit unfair. We have a mandate from the people to serve and to protect. Sometimes we have to make hard decisions in order to be able to protect the future generations.

SENATOR BEERS:

Thank you, Mr. President pro Tempore. It has been suggested that the purpose of government is to create the economy. I ask what was here first, government or economy? Did people produce goods and trade with their fellow people? Did a bricklayer get good at building fireplaces in exchange for a couple of cows before or after we created a king or a legislature? Economic activity not between businesses but between people came first and is fundamentally a natural, human activity and that government came second to do things that economic activity could not do well.

One of those is investment as was previously suggested. Government invests to create jobs if it buys that dilapidated historical building and fixes it. I would suggest that if that were an economically viable activity, people would have used their money already to buy that building and would have developed it to create jobs out of it. If no people want to do that and society decides that building is worthy of historical preservation, then, it does that. That is not an economically viable activity. I would like to see this \$15 million invested by the citizens of our State not the 63 of us.

Senators Townsend, Nolan and Cegavske moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 523.

Roll call on Senate Bill No. 523:

YEAS—17.

NAYS—Carlton, Coffin, Rhoads, Schneider—4.

Senate Bill No. 523 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385.

Bill read third time.

Roll call on Assembly Bill No. 385:

YEAS—21.

NAYS—None.

Assembly Bill No. 385 having received a two-thirds majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 189.

Bill read third time.

Roll call on Assembly Bill No. 189:

YEAS—21.

NAYS—None.

Assembly Bill No. 189 having received a constitutional majority, Mr. President pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 34, 107, 173, 209, 514, 515, 517; Senate Concurrent Resolutions Nos. 45, 46; Assembly Bills Nos. 47, 51, 154, 221, 404, 458, 464, 501, 534, 569, 570, 571.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

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

Senator Raggio moved that the Senate adjourn until Monday, June 6, 2005,
at 10 a.m.

Motion carried.

Senate adjourned at 8:10 p.m.

Approved:

MARK E. AMODEI
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate