

**THE ONE HUNDRED AND SEVENTH DAY**

---

CARSON CITY (Tuesday), May 22, 2007

Senate called to order at 11:27 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Alan Dorway.

Gracious God, we come before You this morning seeking Your peace and guidance for the Senate this day. Grant Your peace to all who are making difficult decisions and trying their best to serve this State as the session comes to a fast close. Send Your spirit to guide the interactions between colleagues, staff members and support services here. Be with the mediation process on tough issues, as the greater good for each other and love for our neighbor comes to the forefront. Thank You for this day, and make Your presence known in all we do.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

**REPORTS OF COMMITTEES**

*Mr. President:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 53, 216, 518, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

*Mr. President:*

Your Committee on Finance, to which was referred Senate Bill No. 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bill No. 186; Assembly Bill No. 319, 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 Finance, to which were rereferred Senate Bills Nos. 90, 173, 393, 422, 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*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 253, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 101, 120, 373, 433, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WARREN B. HARDY II, *Chair*

*Mr. President:*

Your Committee on Human Resources and Education, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 247, 263, 334, 386, 410, 443, 485, 490, 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAURICE E. WASHINGTON, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 52, 63, 87, 107, 112, 127, 137, 194, 364, 418, 498, 535, 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*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 143, 342, 593; Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA K. CEGAVSKE, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 67, 228, 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEAN A. RHOADS, *Chair*

*Mr. President:*

Your Committee on Taxation, to which were referred Assembly Bills Nos. 110, 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MIKE MCGINNESS, *Chair*

*Mr. President:*

Your Committee on Transportation and Homeland Security, to which were referred Assembly Bills Nos. 54, 64, 91, 176, 239, 321, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 17, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 137, 183, 210, 336, 337, 338, 357; Assembly Bill No. 580.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 226, 596.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 244, Amendment No. 699, and respectfully requests your honorable body to concur in said amendment.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, May 21, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 7, 72, 139, 145, 264, 330, 369, 384, 389, 399; Assembly Bill No. 594.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 161, 460, 608.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 396, Amendment No. 698, 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 respectfully refused to concur in the Senate Amendment No. 678 to Assembly Bill No. 88.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 87, Assembly Amendment No. 650.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

WAIVERS AND EXEMPTIONS  
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblywoman Buckley, Senators Raggio and Townsend and Assemblywomen Kirkpatrick and Smith.

For: Assembly Bill No. 621.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.

Has been granted effective: Wednesday, May 16, 2007.

WILLIAM J. RAGGIO

*Senate Majority Leader*

BARBARA BUCKLEY

*Speaker of the Assembly*

A Waiver requested by Senator William J. Raggio.

For: Senate Joint Resolution No. 2.

To Waive:

Subsection 3 of Joint Standing Rule No. 14.3.

Has been granted effective: Monday, May 21, 2007.

WILLIAM J. RAGGIO

*Senate Majority Leader*

BARBARA BUCKLEY

*Speaker of the Assembly*

## MOTIONS, RESOLUTIONS AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Titus, Townsend, Washington, Wiener, Woodhouse; Assemblymen Buckley, Allen, Anderson, Arberry, Atkinson, Beers, Bobzien, Carpenter, Christensen, Claborn, Cobb, Conklin, Denis, Gansert, Gerhardt, Goedhart, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Segerblom, Settlemeyer, Smith, Stewart, Weber and Womack:

Senate Concurrent Resolution No. 46—Honoring Richard J. Morgan on his retirement as the Dean of the William S. Boyd School of Law.

WHEREAS, Richard J. Morgan earned his bachelor of arts degree in political science at the University of California, Berkeley, and his juris doctor degree at the University of California, Los Angeles, practiced with a private law firm for nearly a decade, and served as Professor of Law, Associate Dean and Dean of the Arizona State University College of Law and as Dean at the University of Wyoming College of Law; and

WHEREAS, When Richard Morgan was hired in 1997 as the Dean of the William S. Boyd School of Law at the University of Nevada, Las Vegas, there was no law school, no building, no library, no curriculum, no policies or procedures, no faculty and no students, and the school's first facility was an aged elementary school which was vacated only 2 months before the opening of the law school, but Dean Morgan had an extraordinary three-pronged vision for this new and daunting undertaking; and

WHEREAS, First, this would be an excellent, first-rate law school, not just one that would meet minimal accreditation standards; and

WHEREAS, Second, this would be Nevada's law school, one that serves all of Nevada and is available to people of all economic circumstances; and

WHEREAS, Third, this law school would be deeply committed to providing service to the community because, for Dean Morgan, service lies at the very core of the legal profession, and therefore service needs to be at the core of legal education, and he regards the legal profession as one that protects individual rights, provides leadership, and resolves or avoids disputes in an ethical and professional manner; and

WHEREAS, To bring his dream to fruition, Dean Morgan rallied the leaders of the State by talking to Legislators, judges, bar associations, law firms and community leaders about the importance of having a leading law school in Nevada; and

WHEREAS, Recognizing that people are the heart of any great endeavor, Dean Morgan set about attracting the best faculty and students and a dedicated staff to support them; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 74th Nevada Legislature honor Dean Richard J. Morgan for his extraordinary vision and his dedication in committing to make the William S. Boyd School of Law an exceptional school, as evidenced by its recent ranking as one of the top 100 law schools in the country by *U.S. News & World Report*; and be it further

RESOLVED, That the members of the Legislature congratulate Dean Morgan as he retires after 10 years as Dean of the William S. Boyd School of Law and 20 years as a dedicated educator and dean; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dean Richard J. Morgan.

Senator Raggio moved the adoption of the resolution.

Remarks by Senators Raggio, Care, Schneider, Wiener, Cegavske, Titus, Mathews and Washington.

Senator Raggio requested that the following remarks be entered in the Journal.

SENATOR RAGGIO:

It is an honor and a privilege to recognize Dean Morgan. This has been done late in the Session because we just learned of the Dean's retirement. He was the first Dean of the William S. Boyd School of Law in Las Vegas.

Many of us in this body have worked to make a law school for the State of Nevada a reality. For many years, we had a medical school, and we were one of the few states in the Country that did not have a law school. I know everyone loves lawyers. Without lawyers, there would be no litigation in America. Seriously, we do provide a valuable service. There are many jokes about lawyers, but it is a noble profession, one that goes back through the centuries. Our system of law in this Country is the basis for our existence as a democracy and the preservation of the rights we enjoy as citizens.

The goal to establish a law school in Nevada was one that existed for many years. Finally, through the efforts of many, particularly Legislators, and those in the legal profession, leaders in this State and communities, we were able to do what was necessary to create a law school. It was decided the law school should be in southern Nevada at the University of Nevada, Las Vegas site, and that it would serve the interest of the entire State.

Having gone through the rigors of trying to establish the law school, the biggest problem was to find someone with the experience, the expertise and the knowledge to lead this effort and become the first dean of this law school. That was not an easy task. To be a good law school, it must be accredited by the American Bar Association. Becoming accredited is not an easy process. It takes the full commitment of those assigned to do the task. No one other than Dean Morgan could have achieved that in the short time it took to gain accreditation.

As the resolution indicated, this law school started from scratch. There was no building, no student body, and through his efforts, the accreditation was received. The Legislature was encouraged to provide the funding necessary to establish the law school. The site was a school building in Las Vegas for some time until the new law school on the University of Nevada, Las Vegas, campus was built. The school has been recognized as one of the top 100 law schools in the United States.

We have a saying in the legal profession that the law is a jealous mistress. If you are going to be successful, you must give up much of your life to that profession. Dean Morgan has given most of his life to the profession of law. He has served at the University of Arizona and at the University of Wyoming. He came well prepared to be the Dean of the William S. Boyd School of Law. We were well served by his willingness to accept this position. He has served more than a decade as the Dean of a law school now recognized as one of the best in the Country. It is appropriate that we pause and recognize his achievement and his commitment to our State, to the legal profession, to the law school and to thank him for that dedicated service.

We recognize his achievement and wish him well in what he continues to do. We hope he will be available to help keep up the high tradition he has established for the first law school in our State.

SENATOR CARE:

Thank you, Mr. President. I obviously support the resolution. I remember the early years when Dean Morgan first came to town. He gave me the opportunity to meet the faculty, which was meeting in the portable units behind Paradise Elementary School. I was immediately impressed by the faculty he had assembled. One soon found himself on the Ninth Circuit Court of Appeals. I have also been impressed by the students. Having the school has made it much easier to hire summer law clerks in Las Vegas. Every student I interviewed or who worked for me had nothing but praise for Dean Morgan and the job he has done at the law school.

I thank you, Dean Morgan, for allowing me to meet with the members of the accreditation committee when they came to Las Vegas. We have two members of the faculty who are commissioners on the National Conference of Uniform Laws, which has led to an abundance of introductions of Uniform Acts in this body.

I would like to share a story about you. I had lunch with you, and I brought a partner from my former firm who had graduated from the University of Wyoming where you had been Dean. That is when I learned you are a teaching dean. Not all Deans do that. My former partner had taken a class from you ten years before. As we walked out after the lunch, he said, "I think he really remembers me." That said a lot about you. You were an excellent dean. You will have much luck in whatever you do.

SENATOR SCHNEIDER:

I, too, rise in support of this resolution. During the 16 years I have been in the Legislature, we have tried to develop programs and some have failed, but this program is a shining star. Dean Morgan could not do this alone, but one of his best assets was that people liked him. He recruited the best professors. They got his program into the top 100 in less than 10 years.

I have been fortunate to tour the law school. I met the professors and learned where each had come from. Dean Morgan said, "I stole them from there."

The law school started out in a worn out, old elementary school that the Clark County School District did not want. You can hire the best basketball coach, but if he cannot recruit, he will not have a team. Dean Morgan recruited the best talent in the Nation. We are going to miss him.

SENATOR WIENER:

Thank you, Mr. President. I also rise in support of this resolution. Dean Morgan and I have a long history. I met Richard Morgan shortly after he came to Las Vegas. He had a dream of not

just growing the best law school possible with the greatest faculty possible but also to make extraordinary contributions to the community. It was an endearment to me to let the lawyers make contributions to projects the community needed to support and to establish the best law library in the Country if not the world.

He graced my family, and me particularly, by wanting to put my father's name on the library. We had several meetings about that. He and Jim Rogers had weekly meetings about how to stock that library with the most extraordinary resources possible. Through the many years he has been growing a phenomenal law library named the Wiener-Rogers Library, he has continued to endear me to the school and to him.

Dick Morgan continues to share the smiles, intelligence and the passion for the community and has never wavered. He is everywhere at all times, not only sharing what he knows, but also listening to what others are willing to contribute. Dick, I hope you continue to make those great, distinctive and honorable contributions to our community as you have during the past ten years. Thank you for letting my dad live through the words that are absorbed by the students in the library in those many, long hours they put in. Thank you for having my dad's name on the library and thank you for allowing the Wiener family to share the tradition of the William S. Boyd School of Law.

SENATOR CEGAVSKE:

Thank you, Mr. President. I want to recognize and to thank Dean Morgan. He has meant a great deal to me as a citizen of Las Vegas. He has contributed much, and we have probably not thanked him enough.

When my son was graduating from the University of Nevada, Reno, he was trying to decide what he wanted to do. I had him talk to Dean Morgan. My son wants to go into law. As a mom, I looked at different professions of what I wanted my child to go into, but after I talked to Dean Morgan, I decided that law was not such a bad profession after all.

Dean Morgan talked about what you learn, how a person lives, and he brought so much more to it than just a law degree and being an attorney. He described what the students learned. I was impressed with what he talked to my son about. My son has completed the two and one-half year program and is ready to select a law school. I had hoped Dean Morgan would still be there when my son decided to go to the UNLV Law School because it is such a fabulous school. What Dean Morgan has done has been outstanding.

Thank you, Dean Morgan. I hope you will stay in Nevada.

SENATOR TITUS:

I am pleased to vote for this resolution honoring Dean Morgan, who is a friend, a colleague and a wonderful asset for the State of Nevada.

The William S. Boyd Law School, under his direction, is an excellent example of Nevada's "can do" pioneer spirit. No one believed we could start a law school in Las Vegas in an elementary school with tiny little water fountains and urinals. But Dean Morgan did it and did it with aplomb. He recruited outstanding faculty, worked with the local legal community and inspired students with his community spirit. His successful program was accredited in record time, has received national recognition and attracts students from around the Country. I am especially grateful and proud of his outlook. He did not just promote law for the classroom or law for fancy corporate offices, but he also fostered law for the streets, which we need and appreciate.

SENATOR MATHEWS:

Thank you, Mr. President. I rise in support of Senate Concurrent Resolution No. 46 and the distinguished Dean who I have admired for a long time.

Sometimes, we talk about diversity and what happens with diversity, and we see lots of headlines about diversity. People will come to a school or to a job and say, "Diversity is my mission." He did not say a word about it, he just did it. I am thankful for that. He did not need to catch headlines. He did not need to say that we had to meet this or that quota in the classroom; it just happened because he was willing to go out into the community and recruit and seek out students and to make them welcome when they came to the campus. My niece graduated from

the program a few years ago. She passed the Nevada Bar on the first try, and I thought, "If he could do that with her, then he is a heck of a man." Thank you, Dean.

SENATOR WASHINGTON:

I rise in support of the resolution. I want to say to the Dean that it has been a pleasure knowing him.

Resolution adopted.

Senator Raggio moved that all necessary rules be suspended and that Senate Concurrent Resolution No. 46 be immediately transmitted to the Assembly.

Motion carried unanimously.

Resolution ordered transmitted to the Assembly.

Senator Raggio moved that the following person be accepted as accredited press representatives, and that he be assigned space at the press table and allowed the use of appropriate media facilities: AHORA NEWSPAPER: Mario Delarosa.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 47—Directing the Legislative Commission to conduct an interim study on the implementation of chancery courts in Nevada.

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

Motion carried.

Senator Heck moved that Assembly Bill No. 13 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Heck.

Motion carried.

Senator Heck moved that Assembly Bill No. 215 be taken from the Secretary's desk and placed on the bottom of the General File.

Remarks by Senator Heck.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 161.

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

Motion carried.

Assembly Bill No. 226.

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

Motion carried.

Assembly Bill No. 460.

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

Motion carried.

Assembly Bill No. 580.

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

Motion carried.

Assembly Bill No. 594.

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

Motion carried.

Assembly Bill No. 596.

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

Motion carried.

Assembly Bill No. 608.

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

Motion carried.

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

Motion carried.

Senate in recess at 12:02 p.m.

#### SENATE IN SESSION

At 12:06 p.m.

President Krolicki presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Nolan moved that the action whereby Assembly Bill No. 226 was referred to the Committee on Finance be rescinded.

Remarks by Senator Nolan.

Motion carried.

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

Remarks by Senator Nolan, Titus, Raggio and Amodei.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 42.

Bill read second time and ordered to third reading.



Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 736.

"SUMMARY—Revises the administrative penalties that may be imposed against contractors for certain offenses. (BDR 54-880)"

"AN ACT relating to contractors; revising the administrative penalties that may be imposed against a contractor who knowingly enters into a contract with an unlicensed contractor; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a contractor who knowingly enters into a contract with an unlicensed contractor may be punished by the imposition of an administrative fine of not more than \$50,000. (NRS 624.300, 624.3015) This bill revises the administrative penalties that may be imposed against a contractor who enters into such a contract by requiring the imposition of an administrative fine and providing for the suspension or revocation of his license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.300 is hereby amended to read as follows:

624.300 1. Except as otherwise provided in subsections 3 and ~~{4,}~~ 5, the Board may:

- (a) Suspend or revoke licenses already issued;
- (b) Refuse renewals of licenses;
- (c) Impose limits on the field, scope and monetary limit of the license;
- (d) Impose an administrative fine of not more than \$10,000;
- (e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;
- (f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:
  - (1) Perform the corrective work himself;
  - (2) Hire and pay another licensee to perform the corrective work; or
  - (3) Pay to the owner of the construction project a specified sum to correct the condition; or
- (g) Issue a public reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee,  
 ↪ if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other

conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates ~~the~~ :

(a) *The provisions of NRS 624.3014, subsection 2 or 3 of NRS 624.3015, subsection 1 of NRS 624.302 or subsection 1 of NRS 624.305, the Board may impose for each violation an administrative fine in an amount that is not more than \$50,000.*

(b) *The provisions of subsection 4 of NRS 624.3015:*

(1) *For a first offense, the Board shall impose an administrative fine of not less than \$1,000 and not more than \$50,000, and may suspend the license of the licensee for 6 months;*

(2) *For a second offense, the Board shall impose an administrative fine of not less than \$5,000 and not more than \$50,000, and ~~shall~~ may suspend the license of the licensee for 1 year; and*

(3) *For a third or subsequent offense, the Board shall impose an administrative fine of not less than \$10,000 and not more than \$50,000, and ~~shall~~ may revoke the license of the licensee.*

4. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to ~~this subsection~~ subsection 3. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

~~4.~~ 5. If a licensee is prohibited from being awarded a contract for a public work pursuant to NRS 338.017, the Board may suspend the license of the licensee for the period of the prohibition.

~~5.~~ 6. If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.

~~6.~~ 7. If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.

~~7.~~ 8. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

~~8.~~ 9. The Board shall not issue a private reprimand to a licensee.

~~{9-}~~ 10. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~{10-}~~ 11. An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest must be collected from the date of the order until the date the administrative fine is paid.

~~{11-}~~ 12. All fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

Sec. 2. NRS 624.3015 is hereby amended to read as follows:

624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.
2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.
3. ~~Bidding~~ Knowingly bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.
4. Knowingly entering into a contract with a contractor while that contractor is not licensed. ~~{, or bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.~~

~~4-}~~ 5. Constructing or repairing a mobile home, manufactured home or commercial coach, unless the contractor:

- (a) Is licensed pursuant to NRS 489.311; or
- (b) Owns, leases or rents the mobile home, manufactured home or commercial coach.

~~{5-}~~ 6. Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

Senator Townsend moved the adoption of the amendment.

Remarks by Senators Townsend and Care.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 115.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time and ordered to third reading.

Assembly Bill No. 230.

Bill read second time and ordered to third reading.

Assembly Bill No. 235.

Bill read second time and ordered to third reading.

Assembly Bill No. 244.

Bill read second time and ordered to third reading.

Assembly Bill No. 259.

Bill read second time and ordered to third reading.

Assembly Bill No. 296.

Bill read second time and ordered to third reading.

Assembly Bill No. 331.

Bill read second time and ordered to third reading.

Assembly Bill No. 359.

Bill read second time and ordered to third reading.

Assembly Bill No. 391.

Bill read second time and ordered to third reading.

Assembly Bill No. 421.

Bill read second time and ordered to third reading.

Assembly Bill No. 554.

Bill read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Assembly Bill No. 244 be taken from the Second Reading File and placed on the Secretary's desk.

Remarks by Senator Washington.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 38.

Bill read third time.

The following amendment was proposed by Senator Cegavske:

Amendment No. 868.

"SUMMARY—~~[Creates the Records and Technology Division of the Department of Public Safety to maintain]~~ *Makes various changes concerning the Central Repository for Nevada Records of Criminal History. (BDR 43-559)*"

"AN ACT relating to criminal records; creating the Records and Technology Division of the Department of Public Safety; enumerating the duties of the Division; transferring the duties for maintaining the Central Repository for Nevada Records of Criminal History from the Nevada Highway Patrol Division to the Records and Technology Division of the

Department; revising the persons to whom information may be distributed by the Central Repository; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill creates the Records and Technology Division within the Department of Public Safety. Sections 2-4 of this bill transfer the responsibility to maintain the Central Repository for Nevada Records of Criminal History from the Nevada Highway Patrol Division to the new Records and Technology Division. (NRS 179A.075, 480.140, 480.360)

Section 5 of this bill revises the law governing distribution of information from the Central Repository to provide that the Central Repository may provide any information authorized to be distributed to an employer to a person or entity designated to receive such information on behalf of the employer. (NRS 179A.100)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 480.130 is hereby amended to read as follows:

480.130 The Department consists of:

1. An Administrative Services Division;
2. An Investigation Division;
3. A Nevada Highway Patrol Division;
4. A Division of Emergency Management;
5. A State Fire Marshal Division;
6. A Division of Parole and Probation;
7. A Capitol Police Division; ~~and~~
8. A Training Division ~~};~~ *and*
9. *A Records and Technology Division.*

Sec. 2. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Administrative Services Division shall furnish fiscal, accounting and other administrative services to the Director and the various divisions, and advise and assist the Director and the various divisions in carrying out their functions and responsibilities.

2. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

3. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapter 484 of NRS and perform such duties and exercise such

powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

4. The Division of Emergency Management shall execute, administer and enforce the provisions of chapter 414 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 14 of NRS and any other specific statute.

5. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

6. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

7. The Capitol Police Division shall assist the Chief of the Buildings and Grounds Division of the Department of Administration in the enforcement of subsection 1 of NRS 331.140.

8. The Training Division shall provide training to the employees of the Department.

9. *The Records and Technology Division shall:*

*(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute; and*

*(b) Provide technology support services to the Director, the divisions of the Department, and the Nevada Criminal Justice System and offer technology services as may be imposed by the Director.*

Sec. 3. NRS 480.360 is hereby amended to read as follows:

480.360 The duties of the personnel of the Nevada Highway Patrol include, without limitation:

1. To police the public highways of this State, to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada and to enforce all other laws of this State when:

(a) In the apprehension or pursuit of an offender or suspected offender;

(b) Making arrests for crimes committed in their presence or upon or adjacent to the highways of this State; or

(c) Making arrests pursuant to a warrant in the officer's possession or communicated to him.

2. To investigate accidents on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence to prosecute any person guilty of any violation of the law contributing to the happening of such an accident.

3. In conjunction with the Department of Motor Vehicles, to enforce the provisions of chapters 365, 366, 408, 482 to 486, inclusive, 487 and 706 of NRS.

4. ~~{To maintain the Central Repository for Nevada Records of Criminal History and to carry out the provisions of chapter 179A of NRS.~~

5. To enforce the provisions of laws and regulations relating to motor carriers, the safety of their vehicles and equipment, and their transportation of hazardous materials and other cargo.

~~{6.}~~ 5. To maintain the repository for information concerning hazardous materials in Nevada and to carry out its duties pursuant to chapter 459 of NRS concerning the transportation of hazardous materials.

~~{7.}~~ 6. To perform such other duties in connection with those specified in this section as may be imposed by the Director.

Sec. 4. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the *Records and Technology Division of the Department*.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the ~~{Department.}~~ *Division. The information must be submitted to the Division:*

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

↪ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the ~~{Department. The Department}~~ *Division. The Division shall delete all references in the Central Repository relating to that particular arrest.*

4. The ~~{Department}~~ *Division shall, in the manner prescribed by the Director of the Department:*

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The ~~Department~~ Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 449.179; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➔ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or



(3) Is employed by a county school district, charter school or private school,

↪ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↪ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

*Sec. 5. 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, *or a person or entity designated to receive*

the information on behalf of such an 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 or entity 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, or a person or entity designated to receive the information on behalf of such an 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 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 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 Division of Welfare and Supportive Services of the Department of Health and Human Services 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.

(t) The Board of Medical Examiners.

(u) The State Board of Osteopathic Medicine.

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. 5.~~ Sec. 6. 1. This ~~act becomes~~ section and sections 1 to 4, inclusive, of this act become effective on July 1, 2007.

2. Section 5 of this act becomes effective on March 1, 2008.

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

Assembly Bill No. 1.  
Bill read third time.  
Roll call on Assembly Bill No. 1:  
YEAS—21.  
NAYS—None.

Assembly Bill No. 1 having received a constitutional majority,  
Mr. President declared it passed.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 7.  
Bill read third time.  
Roll call on Assembly Bill No. 7:  
YEAS—21.  
NAYS—None.

Assembly Bill No. 7 having received a constitutional majority,  
Mr. President declared it passed.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 49.  
Bill read third time.  
Roll call on Assembly Bill No. 49:  
YEAS—17.  
NAYS—Care, Carlton, Mathews, Titus—4.

Assembly Bill No. 49 having received a constitutional majority,  
Mr. President declared it passed.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 76.  
Bill read third time.  
Roll call on Assembly Bill No. 76:  
YEAS—20.  
NAYS—Carlton.

Assembly Bill No. 76 having received a constitutional majority,  
Mr. President declared it passed.  
Bill ordered transmitted to the Assembly.

Assembly Bill No. 90.  
Bill read third time.  
Senator Amodei moved that Assembly Bill No. 90 be taken from the  
General File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

Assembly Bill No. 94.

Bill read third time.

Roll call on Assembly Bill No. 94:

YEAS—21.

NAYS—None.

Assembly Bill No. 94 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103.

Bill read third time.

Roll call on Assembly Bill No. 103:

YEAS—21.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 122.

Bill read third time.

Roll call on Assembly Bill No. 122:

YEAS—21.

NAYS—None.

Assembly Bill No. 122 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138.

Bill read third time.

Roll call on Assembly Bill No. 138:

YEAS—21.

NAYS—None.

Assembly Bill No. 138 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190.

Bill read third time.

Roll call on Assembly Bill No. 190:

YEAS—21.

NAYS—None.

Assembly Bill No. 190 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 258.

Bill read third time.

Roll call on Assembly Bill No. 258:

YEAS—21.

NAYS—None.

Assembly Bill No. 258 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 289.

Bill read third time.

Roll call on Assembly Bill No. 289:

YEAS—21.

NAYS—None.

Assembly Bill No. 289 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 297.

Bill read third time.

Roll call on Assembly Bill No. 297:

YEAS—19.

NAYS—Carlton, Heck—2.

Assembly Bill No. 297 having received a two-thirds majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 298.

Bill read third time.

Roll call on Assembly Bill No. 298:

YEAS—21.

NAYS—None.

Assembly Bill No. 298 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 301.

Bill read third time.

Remarks by Senators Care and Carlton.

Roll call on Assembly Bill No. 301:

YEAS—14.

NAYS—Care, Carlton, Lee, Mathews, Rhoads, Schneider, Titus—7.

Assembly Bill No. 301 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 311.

Bill read third time.

Roll call on Assembly Bill No. 311:

YEAS—21.

NAYS—None.

Assembly Bill No. 311 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 313.

Bill read third time.

Roll call on Assembly Bill No. 313:

YEAS—21.

NAYS—None.

Assembly Bill No. 313 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 323.

Bill read third time.

Remarks by Senator Amodei.

Roll call on Assembly Bill No. 323:

YEAS—21.

NAYS—None.

Assembly Bill No. 323 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 326.

Bill read third time.

Senator Hardy moved that Assembly Bill No. 326 be taken from the  
General File and placed on the Secretary's desk.

Remarks by Senator Hardy.

Motion carried.

Assembly Bill No. 344.

Bill read third time.

Roll call on Assembly Bill No. 344:

YEAS—21.

NAYS—None.



Assembly Bill No. 344 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 350.

Bill read third time.

Roll call on Assembly Bill No. 350:

YEAS—21.

NAYS—None.

Assembly Bill No. 350 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 352.

Bill read third time.

Remarks by Senators Carlton and Amodei.

Senator Amodei moved that Assembly Bill No. 352 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

Assembly Bill No. 365.

Bill read third time.

Senator Townsend disclosed that his wife is a licensee of the Real Estate Division.

Senator Nolan disclosed that he and his wife are real estate brokers.

Senator Lee disclosed that his wife is a real estate broker.

Roll call on Assembly Bill No. 365:

YEAS—21.

NAYS—None.

Assembly Bill No. 365 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 415.

Bill read third time.

Remarks by Senators Carlton and Hardy.

Roll call on Assembly Bill No. 415:

YEAS—21.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 428.

Bill read third time.

Senator Amodei moved that Assembly Bill No. 428 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Amodei.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the Senate proceed to Unfinished Business.

Remarks by Senator Raggio.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 86.

The following Assembly amendment was read.

Amendment No. 710.

"SUMMARY—Revises provisions regulating utilities that furnish water or provide sewage disposal services. (BDR 58-554)"

"AN ACT relating to public utilities; revising provisions governing the issuance of certificates of public convenience and necessity for utilities that furnish water or provide sewage disposal services; requiring submission of plans to meet demands for water and sewage disposal services; increasing the threshold annual revenue level at which water supply or sewage disposal utilities are subject to the jurisdiction of the Public Utilities Commission of Nevada; requiring certain water supply or sewage disposal utilities to file a general rate application with the Commission according to a specified schedule; requiring water supply utilities to provide for the maintenance of certain fire hydrants; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the regulation of utilities that furnish water and utilities that provide sewage disposal services by the Public Utilities Commission of Nevada. (Chapter 704 of NRS) Existing law exempts from regulation by the Commission utilities that have gross sales for water and sewer services of \$5,000 or less during a 12-month period. (NRS 704.030) Section 4 of this bill increases that threshold amount to \$25,000 or less during a 12-month period. Existing law also requires that a water supply utility furnish water to cities, towns, villages or hamlets for the purpose of fire protection. (NRS 704.660) Section 8 of this bill requires that a water supply utility provide for the maintenance of certain fire hydrants. Section 3 of this bill requires that a water supply or sewage utility with an annual gross operating revenue of \$1,000,000 or more for at least 1 year of the immediately preceding 3 years submit a plan to the Commission for satisfying the demands of its customers.

Additionally, existing law requires that some, but not all, public utilities must file general rate applications with the Commission according to a

specified schedule. (NRS 704.110) Section 5 of this bill requires that water supply or sewer utilities with an annual gross operating revenue of \$500,000 or more for at least 1 year of the immediately preceding 3 years file a general rate application with the Commission according to a specified schedule.

Under existing law, public utilities must obtain a certificate of public convenience and necessity from the Commission before beginning or continuing any operations or construction related to the utility. (NRS 704.330) Section 2 of this bill requires the Commission to consider the capabilities of existing water supply or sewer companies before issuing a certificate ~~for, and~~ to a new public utility. *Section 3 of this bill* requires water supply utilities of a certain size to file a resource plan with the Commission according to a specified schedule.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In determining whether to issue a certificate of public convenience and necessity to a new public utility that authorizes the construction, ownership, control or operation of any line, plant or system for the purpose of furnishing water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, the Commission shall consider whether another public utility or person is ready, willing and able to provide the services in the geographic area proposed by the applicant for the certificate.*

Sec. 3. 1. *A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of \$1,000,000 or more for at least 1 year during the immediately preceding 3 years shall, on or before March 1 of every third year, in the manner specified by the Commission, submit a plan to the Commission to provide sufficient water or services for the disposal of sewage to satisfy the demand made on its system by its customers.*

2. *The Commission shall adopt regulations to provide for the contents of and the method and schedule for preparing, submitting, reviewing and approving the plan required pursuant to subsection 1.*

3. *Within 180 days after a public utility has filed a plan pursuant to subsection 1, the Commission shall issue an order accepting the plan as filed or specifying any portion of the plan it finds to be inadequate.*

4. *If a plan submitted pursuant to subsection 1 and accepted by the Commission pursuant to subsection 3 and any regulations adopted pursuant to subsection 2 identifies a facility for acquisition or construction, the facility shall be deemed to be a prudent investment and the public utility may recover all just and reasonable costs of planning and constructing or acquiring the facility.*

5. *All prudent and reasonable expenditures made by a public utility to develop a plan filed pursuant to subsection 1, including, without limitation, any environmental, engineering or other studies, must be recovered from the rates charged to the public utility's customers.*

Sec. 4. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to ~~[\$5,000]~~ \$25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

Sec. 5. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68904 to 704.68984, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate

application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsections 3 and 13, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes:

(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and

(b) For all other public utilities, not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. ~~For an electric utility, the following public utilities shall each file a general rate application pursuant to this subsection at least once every 24 months based on the following schedule:~~

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

*(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$500,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.*

*(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$500,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission.*

*➤ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.*

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate

application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187;  
or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for



purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.

14. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.

Sec. 6. NRS 704.3296 is hereby amended to read as follows:

704.3296 As used in NRS 704.3296 to 704.430, inclusive, *and section 2 of this act*, unless the context otherwise requires, "electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 7. NRS 704.430 is hereby amended to read as follows:

704.430 1. Any person, firm, association or corporation who violates any provisions of NRS 704.3296 to 704.430, inclusive, *and section 2 of this act*, shall be punished by a fine of not more than \$250.

2. Each day's operation without a certificate as provided in NRS 704.3296 to 704.430, inclusive, *and section 2 of this act* or each day that service is discontinued, modified or restricted, as defined in NRS 704.3296 to 704.430, inclusive, *and section 2 of this act* must be considered a separate offense.

Sec. 8. NRS 704.660 is hereby amended to read as follows:

704.660 1. Any public utility which furnishes, for compensation, any water for domestic purposes shall furnish each city, town, village or hamlet which it serves with a reasonably adequate supply of water at reasonable pressure for fire protection and at reasonable rates, all to be fixed and determined by the Commission.

2. The duty to furnish a reasonably adequate supply of water provided for in subsection 1 includes the laying of mains with all necessary connections for the proper delivery of the water for fire protection ~~and also the installing~~, *the installation* of appliances to assure a reasonably sufficient pressure for fire protection ~~and~~ *and the maintenance of fire hydrants that are the property of the public utility and located either within a public right-of-way or upon private property to which the public utility is permitted reasonable access without cost.*

3. The Commission may fix and determine reasonable rates and prescribe all installations and appliances adequate for the proper utilization and delivery of water for fire protection. The Commission may adopt regulations and practices to be followed by a utility in furnishing water for fire protection, and has complete jurisdiction of all questions arising under the provisions of this section.

4. All proceedings under this section must be conducted pursuant to NRS 703.320 to 703.370, inclusive, and 704.005 to 704.645, inclusive. All violations of any order made by the Commission under the provisions of this section are subject to the penalties for similar violations of the provisions of NRS 704.005 to 704.645, inclusive.

5. This section applies to and governs all public utilities furnishing water for domestic use on March 26, 1913, unless otherwise expressly provided in the charters, franchises or permits under which those utilities are acting. Each public utility which supplies water for domestic uses after March 26, 1913, is subject to the provisions of this section, regardless of any conditions to the contrary in any charter, franchise or permit of whatever character granted by any county, city, town, village or hamlet within this State, or of any charter, franchise or permit granted by any authority outside this State.

Sec. 9. A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of \$1,000,000 or more during calendar year 2005, calendar year 2006 or calendar year 2007 shall, on or before March 1, 2008, submit to the Public Utilities Commission of Nevada the plan required pursuant to the provisions of section 3 of this act.

Sec. 10. This act becomes effective on July 1, 2007.

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 86.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 118.

The following Assembly amendment was read:

Amendment No. 668.

"SUMMARY—Requires the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury. (BDR 40-209)"

"AN ACT relating to hazardous materials; requiring the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission is required to adopt, as part of the Chemical Accident Prevention Program for the State of Nevada (C.A.P.P.), regulations relating to hazardous substances. (NRS 459.3818; NAC 459.95225) This bill requires the Commission to adopt specific regulations for the handling and storage of mercury when present in a quantity of ~~100 tons~~ 200,000 pounds or more to protect the health, safety and welfare of the residents of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 459.3818 is hereby amended to read as follows:

459.3818 1. In addition to the regulations required to be adopted pursuant to NRS 459.380 to 459.3874, inclusive, the State Environmental Commission shall adopt such other regulations as are necessary to carry out the purposes and enforce the provisions of NRS 459.380 to 459.3874, inclusive. The regulations must include, without limitation:

(a) Specifications for the applicability of the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

(b) The establishment of a program for the prevention of accidental releases of chemicals that satisfies the provisions of the chemical process safety standard set forth pursuant to 29 U.S.C. § 655;

(c) *Provisions to protect the health, safety and welfare of the residents of this State from the effects of the handling and storage of mercury when present in a quantity of ~~100 tons~~ 200,000 pounds or more;*

(d) Provisions necessary to enable the Division to administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto;

~~(d)~~ (e) Requirements for the registration of a facility with the Division; and

~~(e)~~ (f) Provisions to ensure that the public is involved in the process of evaluating proposed regulatory actions that may affect the public.

2. The Division shall:

(a) Administer and enforce the provisions of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto; and

(b) Make every effort to involve advisory councils on hazardous materials, where they exist, the governing bodies of local governments and other interested persons in explaining actions taken pursuant to those sections and the regulations adopted pursuant thereto.

3. The State Environmental Commission must apply the provisions of NRS 459.380 to 459.3874, inclusive, to dealers of liquefied petroleum gas who sell, fill, refill, deliver or are permitted to deliver any liquefied petroleum gas in a manner that is consistent with 42 U.S.C. § 7412(r)(4)(B).

4. As used in this section, "liquefied petroleum gas" has the meaning ascribed to it in NRS 590.475.

Sec. 2. This act becomes effective on July 1, 2007.

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 118.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 265.

The following Assembly amendment was read:

Amendment No. 651.

"SUMMARY—Revises provisions relating to dentistry and dental hygiene. (BDR 54-1184)"

"AN ACT relating to dentistry; ~~authorizing~~ providing for the issuance of subpoenas by the Executive Director ~~and the members~~ of the Board ~~to issue subpoenas;~~ of Dental Examiners of Nevada under certain circumstances; revising the requirements for the issuance of a permanent license for an applicant who holds a temporary license; eliminating the requirement that the Board meet at least annually to examine applicants for licenses; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill removes the requirement that the Board of Dental Examiners of Nevada meet at least once each year to examine applicants for licenses and removes the requirement that examinations be conducted by members of the Board or its appointees. Section 3 of this bill requires a person who applies for a license without examination to file an application at least 45 days before the Board is scheduled to take action on the application. Section 4 of this bill specifies that an applicant for a license to practice dentistry must pass a clinical examination approved by the Board and the American Board of Dental Examiners. Sections 5 and 6 of this bill eliminate the requirement that a person who holds a temporary license and wishes to apply for a permanent license must not have been involved in any disciplinary action during the period he held the temporary license. Section 7 of this bill authorizes the Board to adopt regulations setting forth a procedure pursuant to which the Executive Director ~~and any member~~ of the

Board ~~to~~ *may* issue subpoenas ~~to~~ *on behalf of the Board*. Section 8 of this bill prohibits a dentist from practicing dentistry in a manner or place that is not permitted by the provisions of chapter 631 of NRS. Section 8 also provides that a first or second offense is a gross misdemeanor and a third or subsequent offense is a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet ~~at least once annually~~ *whenever necessary* to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside ~~of~~ this State, and for this purpose may use the facilities of dental colleges. ~~but all examinations must be conducted by members of the Board or examiners appointed by the Board.~~

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of five members who are dentists and two members who are dental hygienists.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, ~~shall~~ *must*:

(a) File an application with the Board *at least 45 days before* ~~the~~ :

(1) *The date on which the examination* ~~is to~~ *will be given* ~~to~~ ; or

(2) *If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.*

(b) Accompany the application with a recent photograph of himself together with the required ~~examination~~ fee and such other documentation as the Board may require by regulation.

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

2. An application must include all information required to complete the application.

Sec. 4. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully ~~{complete}~~ pass a clinical examination ~~{given}~~ approved by the Board ~~{which examines the applicant's practical knowledge of dentistry and which includes demonstrations of the applicant's skill in dentistry;}~~ and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 5. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had his license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning his license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(g) Submits all information required to complete an application for a license; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if ~~[-~~

~~(1) The~~ the person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years. ~~[-and~~

~~(2) The person has not been involved in any disciplinary action during the time he has held a temporary license pursuant to subsection 1.]~~

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 6. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that he applies for a temporary license;

(d) Has not had his license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning his license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a clinical examination required by NRS 631.300 if ~~he~~

~~(1) The~~ the person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years . ~~if and~~

~~(2) The person has not been involved in any disciplinary action during the time he has held a temporary license issued pursuant to this section.~~

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 7. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate.

2. The Board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board ~~[any member thereof or the Executive Director]~~ may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed ~~[by the Board]~~ pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

Sec. 7.5. NRS 631.366 is hereby amended to read as follows:



631.366 1. The district court for the county in which any investigation or hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by *or on behalf of* the Board.

2. If any witness refuses to attend or testify or produce any papers required by a subpoena, the Board may so report to the district court for the county in which the investigation or hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of the investigation or hearing;

(d) That the subpoena identified specifically any documents or the subject of any testimony required;

(e) That the documents or testimony were relevant to the allegations being investigated or heard; and

(f) That no reasonable cause exists for the failure or refusal to comply with the subpoena,

↳ and requesting an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, not more than 10 days after the service of the order, and show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by *or on behalf of* the Board and there is no reasonable cause for the refusal or failure to comply, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as if in contempt of court.

4. The court may consider, in determining whether reasonable cause existed for the witness' refusal or failure to comply with the subpoena, such factors as:

(a) The burden or cost of compliance, financial or otherwise, to the witness;

(b) The time allowed for compliance;

(c) The extent of the information requested in relation to the nature of the underlying charge; and

(d) The extent of the statistical information necessary to investigate the charge adequately.

Sec. 8. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State ~~is~~ *is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his first or second offense, is guilty of a gross misdemeanor.

(b) If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~2.~~ 3. *Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:*

(a) *If it is his first or second offense, is guilty of a gross misdemeanor.*

(b) *If it is his third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

4. The Board may assign ~~such~~ a person *described in subsection 1, 2 or 3* specific duties as a condition of renewing his license.

~~3.—Whenever~~

5. *If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.*

Senator Carlton moved that the Senate concur in the Assembly amendment to Senate Bill No. 265.

Remarks by Senator Carlton.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 282.

The following Assembly amendment was read:

Amendment No. 686.

"SUMMARY—Makes supplemental appropriations to the Department of Corrections for increased costs at various facilities. (BDR S-1258)"

"AN ACT making supplemental appropriations to the Department of Corrections for increased costs at various facilities; and providing other matters properly relating thereto."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~(\$6,473,243)~~ \$7,554,981 for unanticipated revenue shortfalls, personnel, operating, maintenance, inmate

transportation, inmate-driven expenses and utilities for the Fiscal Year 2006-2007 allocated as follows:

1. Revenue shortfalls of \$640,709 allocated as follows:
  - (a) Office of the Director.....\$1,776
  - (b) Nevada State Prison.....\$28,276
  - (c) Ely State Prison.....\$26,101
  - (d) Casa Grande Transitional Housing.....\$584,556
2. Personnel expenses of ~~(\$616,919)~~ \$1,698,657 allocated as follows:
  - (a) Medical care.....~~[\$408,358]~~ \$802,743
  - (b) Office of the Director.....~~[\$208,561]~~ \$407,273
  - (c) Southern Nevada Correctional Center.....\$2,368
  - (d) Northern Nevada Correctional Center.....\$283,327
  - (e) Nevada State Prison.....\$129,388
  - (f) Wells Conservation Camp.....\$6,929
  - (g) Humboldt Conservation Camp.....\$13,630
  - (h) Lovelock Correctional Center.....\$52,999
3. Operating expenses of \$45,740 allocated as follows:
  - (a) Nevada State Prison.....\$18,703
  - (b) Southern Desert Correctional Center.....\$1,152
  - (c) Ely State Prison.....\$25,885
4. General maintenance expenses allocated to the Northern Nevada Correctional Center.....\$7,398
5. Maintenance contract expenses allocated to Nevada State Prison.....\$628
6. Inmate transportation expenses allocated to the Office of the Director.....\$982
7. Inmate-driven expenses of \$3,003,130 allocated as follows:
  - (a) Medical care.....\$2,213,205
  - (b) Northern Nevada Correctional Center.....\$66,873
  - (c) Nevada State Prison.....\$30,754
  - (d) Southern Desert Correctional Center.....\$248,480
  - (e) Jean Conservation Camp.....\$24,643
  - (f) Ely State Prison.....\$186,155
  - (g) High Desert State Prison.....\$233,020
8. Utility expenses of \$2,157,737 allocated as follows:
  - (a) Northern Nevada Correctional Center.....\$535,100
  - (b) Nevada State Prison.....\$220,022
  - (c) Southern Desert Correctional Center.....\$237,009
  - (d) Jean Conservation Camp.....\$54,880
  - (e) Silver Springs Conservation Camp.....\$3,885
  - (f) Ely State Prison.....\$187,997
  - (g) High Desert State Prison.....\$918,844

Sec. 2. The appropriation made in section 1 of this act is supplemental to that made by section 23 of chapter 434, Statutes of Nevada 2005, at page 1941.

Sec. 3. This act becomes effective upon passage and approval.

Senator Raggio moved that the Senate concur in the Assembly amendment to Senate Bill No. 282.

Remarks by Senator Raggio.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Concurrent Resolution No. 18.

The following Assembly amendment was read:

Amendment No. 667.

"SUMMARY—Expresses support for vocational rehabilitation programs and services in this State. (BDR R-296)"

"SENATE CONCURRENT RESOLUTION—Expressing support for vocational rehabilitation programs and services in this State."

WHEREAS, Vocational rehabilitation programs and services are of great importance to persons with disabilities in this State, helping such individuals so that they may prepare for and engage in gainful employment and live more independently; and

WHEREAS, The Department of Employment, Training and Rehabilitation has access to state and federal money as well as private contributions to cover the costs of providing vocational rehabilitation services to persons with disabilities; and

WHEREAS, The costs of providing such services can include, without limitation, costs for assessment, counseling, medical and psychological services, vocational and other training, job placement, transportation, assistance to persons who are blind and deaf, and other goods and services needed by persons with disabilities; and

WHEREAS, This money can also be used to assist families of persons with disabilities who are being provided vocational rehabilitation services and to benefit groups of such persons by the construction and establishment of community programs; and

WHEREAS, The Rehabilitation Services Administration of the United States Department of Education, which allocates Section 110 funding based on disability population demographics, allocated \$3,000,000 to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation that was not matched for Fiscal Year 2006, causing the loss of this money; and

WHEREAS, Preliminary estimates indicate that for the next fiscal year, Nevada will continue to send back federal money that could fund beneficial programs for which the need is critical; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature

hereby express their support for the use of state and federal money *as well as private contributions* for the development of facilities, programs and other resources needed by persons with disabilities in this State to help them prepare for and engage in gainful employment; and be it further

~~[ RESOLVED, That the Department of Employment, Training and Rehabilitation is encouraged to continue to seek private contributions to make up the difference between current State General Fund expenditures and the total matching money needed to allow the Department to use the full allotment of federal money; and be it further]~~

RESOLVED, That by using private and state money to provide a full match, and thereby maximizing the receipt of federal money, the Department will be able to provide vocational rehabilitation services to help persons with disabilities consistent with their strengths, resources, priorities, concerns, capabilities, interests and informed choice; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Director of the Department of Employment, Training and Rehabilitation.

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Concurrent Resolution No. 18.

Remarks by Senator Washington.

Motion carried.

Resolution ordered enrolled.

#### RECEDE FROM SENATE AMENDMENTS

Senator Amodei moved that the Senate do not recede from its action on Assembly Bill No. 14, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators McGinness, Care and Amodei as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 14.

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

Motion carried.

Senate in recess at 12:52 p.m.

#### SENATE IN SESSION

At 12:53 p.m.

President Krolicki presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bills Nos. 446, 483, 493, 507, 512, 516, 533, 540, 549, 562, 569, 570, 576, 585; Assembly Joint Resolutions Nos. 7, 9; Assembly Joint Resolution No. 16 of the 73rd Session be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Raggio.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

The following amendment was proposed by Senators Heck, Beers, Cegavske, Hardy and Rhoads:

Amendment No. 843.

"SUMMARY—Revises provisions governing the use of watercraft. (BDR 43-144)"

"AN ACT relating to watercraft; ~~prohibiting the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner, agent or employee complies with certain requirements;~~ increasing the age under which a person on a vessel is required to wear a personal flotation device; ~~providing a penalty;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~Section 1 of this bill prohibits the owner of a boat livery or his agent or employee from renting an aquatic device to any person unless the owner or his agent or employee complies with certain requirements, including, without limitation, providing to each person who will use the aquatic device a personal flotation device approved by the United States Coast Guard and giving verbal instructions for the safe use of the aquatic device. An "aquatic device" includes an inner tube or inflatable raft, but does not include a vessel or motorboat or any device used in a designated swimming area. Section 1 also prohibits a person who is less than 13 years of age from using an aquatic device unless the person is wearing a personal flotation device.~~

Existing law requires a person under the age of 12 years to wear a personal flotation device when on the topside of a noncommercial vessel. (NRS 488.575) Section 2 of this bill raises the age to less than 13 years of age.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The owner of a boat livery or his agent or employee shall not rent an aquatic device to any person unless the owner or his agent or employee~~

~~(a) Provides to each person to whom the aquatic device is rented and to each person who will use the aquatic device:~~

~~(1) A personal flotation device of a type approved by the United States Coast Guard and prescribed by regulations adopted by the Commission;~~

~~(2) A written summary of the laws and regulations of this State governing the use of the aquatic device; and~~

~~(3) Verbal instructions regarding the safe use of the aquatic device; and~~

~~(b) Before the aquatic device leaves the control of the owner or his agent or employee, documents the name and age of each person who will use the aquatic device. The person to whom the aquatic device is rented shall ensure that only a person who is documented as a user is allowed to use the aquatic device.~~

~~2. Each person to whom an aquatic device is rented and each person who uses the aquatic device shall, before using the aquatic device:~~

~~(a) Review the written summary of the laws and regulations provided to him pursuant to subsection 1; or~~

~~(b) Provide written proof to the owner or his agent or employee that the person has received previous instruction in the safe use of the aquatic device.~~

~~3. A person shall not use or authorize another person to use an aquatic device under his control on any waters of this State unless each user of the aquatic device who is less than 13 years of age is wearing a personal flotation device of the type prescribed pursuant to subsection 1.~~

~~4. As used in this section, "aquatic device" means:~~

~~(a) An inflatable inner tube;~~

~~(b) A small, flexible plastic or inflatable raft; or~~

~~(c) A single chambered device that is inflated with air.~~

~~The term does not include a device which is classified as a vessel or motorboat or which is used in an area that is designated for swimming.]~~  
~~(Deleted by amendment.)~~

Sec. 2. NRS 488.575 is hereby amended to read as follows:

488.575 1. Except as otherwise provided in subsection 2, a person shall not operate or authorize another person to operate a vessel under his ownership or control on any waters of this State unless each person on the vessel who is less than ~~{12}~~ 13 years of age is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the Commission while the vessel is under way.

2. The provisions of subsection 1 do not apply to persons on board:

(a) A commercial vessel licensed by the United States Coast Guard for the transportation of passengers for hire; or

(b) Any other vessel who are below the deck or inside a cabin of the vessel.

Sec. 3. ~~{1} This section and section 1 of this act become effective upon passage and approval for the purpose of adopting regulations pursuant to section 1 of this act and on January 1, 2008, for all other purposes.~~

~~2. Section 2 of this act becomes effective on October 1, 2007. (Deleted by amendment.)~~

Senator Heck moved the adoption of the amendment.

Remarks by Senator Heck.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 215.

Bill read third time.

The following amendment was proposed by Senator Townsend:

Amendment No. 751.

"SUMMARY—~~[Limits interstate banking by certain entities that open branch offices in this State pursuant to certain statutory provisions.]~~ *Makes various changes concerning financial institutions.* (BDR 55-1125)"

"AN ACT relating to ~~[banking]~~ *financial institutions*; limiting interstate banking by an out-of-state depository institution that establishes or acquires a branch office in certain counties pursuant to certain statutory provisions; *authorizing certain out-of-state depository institutions to issue a credit card under certain circumstances; prohibiting the issuer of a credit card from increasing the rate of interest it charges to a cardholder under certain circumstances; requiring the issuer of a credit card to provide certain information to credit reporting agencies under certain circumstances;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides limitations upon banking in this State by out-of-state depository institutions and out-of-state holding companies. (Chapter 666 of NRS) An exception to these limitations allows the establishment of a branch office or the acquisition of an existing branch of a depository institution in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties). (NRS 666.410) Section 1 of this bill provides that an out-of-state depository institution that establishes or acquires a branch office pursuant to this exception is still considered an out-of-state depository institution for the purposes of all other provisions limiting interstate banking. Section 1 also provides that an out-of-state depository institution that has established or acquired, or been approved to establish or acquire, a branch pursuant to this exception may also establish or acquire a branch in a county whose population is 100,000 or more, but only so long as the out-of-state depository institution continues to operate a branch in a county whose population is less than 100,000.

*Existing law governs the issuance of credit cards by financial institutions in this State. (Chapter 97A of NRS) Section 1.4 of this bill prohibits the issuer of a credit card from increasing the interest rate it charges a cardholder based upon a late payment by the cardholder to an unrelated credit card issuer or creditor. Section 1.4 also prohibits a credit card issuer from including a universal default clause in a contract or other agreement relating*



to a credit card account. Section 1.6 of this bill prohibits the issuer of a credit card from prohibiting or attempting to prohibit a merchant from offering a discount to a customer to induce the customer to pay for goods or services with by cash, check or other means instead of with a credit card. Section 1.8 of this bill provides that if a cardholder voluntarily closes a credit card account to avoid a change in the terms or conditions of the account made by the issuer of the credit card, the issuer must notify any credit reporting agency to which it provides information concerning the cardholder's account that the closure of the account was voluntary on the part of the cardholder.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 666.410 is hereby amended to read as follows:

666.410 1. An out-of-state depository institution without a branch in Nevada or an out-of-state holding company without a depository institution in Nevada may not establish a de novo branch in this State or acquire, through merger or otherwise, a branch of a depository institution in Nevada without acquiring the institution itself or its charter, except that, with the written approval of the Commissioner:

~~{1.}~~ (a) An out-of-state depository institution without a branch in Nevada ~~for an out-of-state holding company without a depository institution in Nevada~~ may establish a branch office or acquire an existing branch in a county whose population is less than 100,000 without acquiring or merging with a Nevada depository institution or a Nevada holding company. ~~{; and}~~ *Except as otherwise provided in subsection 2, an out-of-state depository institution that establishes or acquires a branch office pursuant to this paragraph continues to be considered an out-of-state depository institution without a branch in Nevada for the purposes of all other provisions of this chapter.*

~~{2.}~~ (b) An out-of-state depository institution without a branch in Nevada which is owned or controlled by a holding company that is entitled to the exemption set forth in section 4(c)(i) of the Bank Holding Company Act of 1956, as amended, 12 U.S.C. § 1843(c)(i), may acquire an existing branch in Nevada without acquiring or merging with a Nevada depository institution or a Nevada holding company.

2. *An out-of-state depository institution that on or before ~~March 31,~~ April 1, 2007, has, pursuant to paragraph (a) of subsection 1, established or acquired, or been approved by the Commissioner to establish or acquire, a branch in a county whose population is less than 100,000, may establish or acquire a branch in a county whose population is 100,000 or more so long as the out-of-state depository institution continues to operate a branch in a county whose population is less than 100,000.*

3. An out-of-state depository institution that establishes or acquires a branch office pursuant to this section may issue a credit card pursuant to the provisions of chapter 97A of NRS.

Sec. 1.2. Chapter 97A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.

Sec. 1.4. 1. An issuer shall not:

(a) Increase the interest rate it charges a cardholder for the use of the card based upon the late payment by the cardholder to another issuer or a creditor of the cardholder that is not an affiliate or subsidiary of the issuer;  
or

(b) Include a universal default clause in a contract or other agreement relating to a credit card account.

2. Notwithstanding the provisions of subsection 1, an issuer may increase the interest rate it charges a cardholder for the use of the card based on a change in the credit rating of the cardholder.

3. As used in this section:

(a) "Affiliate or subsidiary of the issuer" means an affiliate or subsidiary that conducts business under a name that is:

(1) The same as the name of the issuer; or

(2) Sufficiently similar to the name of the issuer that a cardholder could reasonably believe that he is conducting business with the issuer.

(b) "Universal default clause" means a clause or provision that allows an issuer to increase the interest rate it charges a cardholder for the use of the card based upon the late payment by the cardholder to another issuer or a creditor of the cardholder that is not an affiliate or subsidiary of the issuer.

Sec. 1.6. An issuer shall not, by contract or any other method, prohibit or attempt to prohibit a merchant who provides goods or services to a cardholder from offering a discount to the cardholder to induce the customer to pay for the goods or services by cash, check or other means instead of by use of a credit card or credit card account.

Sec. 1.8. NRS 97A.140 is hereby amended to read as follows:

97A.140 1. An issuer located in this State shall not issue a credit card to a cardholder unless the issuer first:

(a) Provides the written notice required pursuant to NRS 97A.145 to the cardholder; and

(b) Receives a written or oral request from the cardholder for the issuance of the credit card.

2. An issuer shall provide the cardholder with the terms and conditions that govern the use of the credit card, in writing, before or at the time of the receipt of the credit card. A cardholder shall be deemed to have accepted the written terms and conditions provided by the issuer upon subsequent actual use of the credit card.

3. The rate of interest charged, and any other fees or charges imposed for the use of the credit card, must be in an amount agreed upon by the issuer and cardholder.

4. An issuer may unilaterally change any term or condition for the use of a credit card without prior written notice to the cardholder unless the change will adversely affect or increase the costs to the cardholder for the use of the

credit card. If the change will increase such costs, the issuer shall provide ~~notice~~ to the cardholder :

*(a) An identifiable notice of the change at least 30 days before the change becomes effective ~~and~~ and*

*(b) An opportunity to avoid the change, including, without limitation, by voluntarily closing his credit card account after providing notice to the issuer. If the cardholder closes his credit card account and the issuer provides any information about the account to a credit reporting agency, the issuer must notify the agency that the cardholder voluntarily closed the credit card account.*

5. Unless otherwise stated as a term or condition, the law of this State governs all transactions relating to the use of a credit card if an issuer, or the service provider of an issuer, is located in this State.

Sec. 2. 1. This section and section 1 of this act ~~becomes~~ become effective upon passage and approval.

2. Sections 1.2 to 1.8, inclusive, of this act become effective on July 1, 2007.

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck and Lee.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 20, 35, 100, 148, 227, 269, 302, 306; Senate Concurrent Resolution No. 44; Assembly Bills Nos. 6, 57, 95, 131, 154, 181, 217, 224, 233, 236.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

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

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to the following students, chaperones and teacher from the John R. Hummel Elementary School: Jazmin Boyd, Christopher Decker, Shadell Carter, Chase Deneef, Rebecca Freer, Timia Greenlee, Kassandra Her, Brian Kondo, Ian Low, Samantha Marroquin, Travis Montefalcon, Christopher Mulligan, Ana Nunes, Tyler Pacyna, Maxine Rodriguez, Gage Spencer, Alec Young, Samantha Bojorquez, Jacquelyn Bran, Kawika Brown, Aleah Cleveland, Carlos Corrales, Seth Emsweller, Shiloh Graff, Somchai Greicar, Jacob Lanier, Marcos Nunez, Malachi Rogers; chaperones: Rachel Leeney, Iya Martin, Susie Deneef, Janet Freer, Antonio Nunes, Magdalena Pacyna, Theresa Young, Marti Grill, Heidi Costolo, Shane Emsweller, Taunya Lanier, Sauling Greicar, Eliza Cleveland and teacher: Christina Eagar; also the following student, chaperones and teachers from the Martha P. King Elementary School: Sarah Dowse, Dylan Coleman, Joshua Burnette, Jacob Domzalski, Brooke Ewell, Cailyn Cota,

Lars Palmer, Garrett Meyer, Andrea Shay, Melyssa Ebbert, Tristyn Clark, Taylor Smith, Morgan Gilmour, James Rushworth, Andrew Barth, Christopher Childress, McKenzie Cummings, Brooke DeBoer, Sarah Dey, Dustin Edlund, Logan Kanaley, Owen Murnane, Jane Nevarez, Carolyn Osborne, Jessica Purdy, Taylor Roberts, Olivia Traasdahl, Alyssa Ybarra; chaperones: Tina Coleman, Elizabeth Lake, Julie Ewell, Sherry Cota, Cathy Meyer, James Ebbert, Troy Gilmour, Ron Cummings, Jon DeBoer, Roxanne Dey, Noel Kanaley, Lenda Murnane, Tina Osborne; teachers: Robin Coppola, Carol Page and Robin Lee.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Dean Dick Morgan, Tina Morgan, Ted Sorensen, Dona Sorenson, Janet Hurst, Dianne Fouret, Emily Wells, Charlie Wells, Christine Smith, Suzanne Williams and Reed Williams.

On request of Senator Townsend, the privilege of the floor of the Senate Chamber for this day was extended to Janet E. Traut.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to Alonzo Kelly and Jeremy Catalano.

Senator Raggio moved that the Senate adjourn until Wednesday, May 23, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 1:01 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*